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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventeenth session

SUMMARY RECORD OF THE 336th MEETING

Held at Headquarters, New York,
on Tuesday, 8 July 1997, at 10:30 a.m.

Chairperson: Ms. KHAN

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Initial Report of Namibia

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97-81612 (E)

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The meeting was called to order at 10.40 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial report of Namibia (CEDAW/C/NAM/1)

1. At the invitation of the Chairperson, Ms. Ndaitwah (Namibia) took a place at the Committee table.

2. Ms. NDAITWAH (Namibia), introducing the initial report of Namibia, said that Namibia had acceded to the Convention on the Elimination of All Forms of Discrimination against Women without reservations within two years of gaining its independence in March 1990. The transition which had taken place in the seven years since independence had provided women with an unusual opportunity to assert their demands for rights in a fluid social and political environment, yet it had also meant that their struggle for equality must compete for attention on an agenda crowded with demands for change.

3. The Namibian Constitution explicitly forbade discrimination on the basis of sex and authorized affirmative action for women. It also committed the Government to the enactment of legislation to ensure equal opportunity for women, particularly in respect of equal pay for equal work and maternity benefits. The Namibian Constitution was also one of the few in the world that used gender-neutral language throughout. In addition to establishing an independent judiciary, the Constitution provided for an ombudsman empowered to investigate a broad range of problems. In December 1996, the President had appointed a woman to that post, and she had already made a public commitment to make her office particularly accessible to women.

4. Shortly after independence, a Department of Women Affairs (DWA) had been established in the Office of the President to ensure the integration of women into the development process, guide policy formulation and monitor implementation. The Department had done much to popularize the Convention in Namibia by publishing booklets explaining its provisions in all the major national languages. A recent restructuring had raised the head of the Department to Cabinet rank. Six regional offices would open within the coming year, providing better access for rural women. In the future, all Government policies and programmes would be guided by a national gender policy, which would be finalized later in the year. The Department utilized a basic structure of nine gender sectoral committees as its mechanism for consultation on national programmes.

Article 1

5. The Constitution stipulated equality of all persons before the law and explicitly forbade discrimination on the basis of sex. Few discrimination cases had come before the courts thus far, however, and only one had mentioned sex discrimination.

Article 2

6. Although sex discrimination had not yet been totally eradicated in either general law or customary law, action in both areas was under way. The Department of Women Affairs was finalizing the national gender policy, and the Law Reform and Development Commission was working to remove all existing discrimination in law. As for penal provisions affecting women, they represented only about 4 per cent of the total prison population, and any complaints had been addressed by the Department of Women Affairs.

Article 3

7. The problem of violence against both women and children had emerged as one of the greatest challenges to the advancement of women. Reports of rape and attempted rape were increasing each year, and although little statistical information was available, domestic violence was agreed to be a widespread problem.

8. To combat the problem, in an initiative unique in Africa, the Government had established a network of Women and Child Abuse Centres which provided a sensitive and integrated response to victims of violence and abuse. The police had also provided intensive training for investigators. A recent multi-media campaign and a series of national workshops had raised awareness of the issue of violence and helped to gather information for potential legislative approaches to domestic violence. With respect to violence against children, a new Child Care and Protection Act would be signed later in the year, and a Children's Ombudsman had been proposed.

Article 4

9. The Constitution authorized affirmative action for women, which had been implemented mainly through provisions ensuring the presence of women on important decision-making bodies and general authorization for affirmative action in specific fields. Policy on affirmative action in employment would be implemented through legislation removing employment barriers for women, positive steps to encourage the employment of target groups, and reasonable job accommodation measures. While quotas would not be utilized, numerical goals and timetables would be used to measure progress.

10. In the political sphere, the Local Authorities Act had required all political parties to place a specified number of women on their party lists for the local council elections held in 1992, and the Act had recently been extended to future elections, which should contribute greatly to women's political advancement at the local level. In fact, at its May 1997 Congress, the South West Africa People's Organization (SWAPO) had decided to present a list in the forthcoming local elections made up of an equal number of men and women candidates.

Article 5

11. Men still tended to dominate in the family context, and male control was reinforced by religious beliefs, cultural practices and remaining legal inequities. Moreover, there was an urgent need for increased public education

on unwanted teenage pregnancy and sexually-transmitted diseases, including a woman's right to say "no" to sex. The strong stereotype of women only as mothers could best be countered by the increased presence of women in public life to serve as alternative role models. Government efforts to combat sex-role stereotyping included a series of regional workshops targeted at school principals and others involved in curriculum development. The Namibian Broadcasting Corporation had made efforts to ensure that women were represented in its current affairs programming and to give prominent coverage to gender issues, but stereotypes were still evident, particularly in advertisements.

12. Some had criticized Namibia's hosting of the "Miss Universe" beauty pageant in 1995 on the grounds that it reinforced stereotypes of women. However, the debate on the topic might actually have contributed to a more critical public analysis of gender roles, and alternative views of women had been promoted at the time of the pageant through events such as women's art exhibitions and television programmes on women and development.

Article 6

13. Prostitution was illegal in Namibia, but in practice there were few arrests for prostitution-related offences. Consultations were scheduled to begin in the near future on reform of the act governing that area, and in the meantime a moratorium on all prosecutions relating to prostitution would continue until the new legislation was in place. There were very strict limitations on intercountry adoption to protect the best interests of the child and to ensure that such adoptions did not become avenues for trafficking in young women.

Article 7

14. Since the preparation of Namibia's report, the number of women at the ministerial and deputy ministerial levels had risen to 7 (out of 38) and the number of women in the National Assembly had risen to 15 (out of 78). The impact of women in Parliament would be strengthened by the Parliamentary Women's Caucus, which had been established in May 1996 to facilitate consultations on issues of particular concern to women. Moreover, affirmative action would attract more women to politics.

15. Although the situation had improved since Namibia's independence, women were still seriously under-represented in senior positions in both the Government and the private sector. Nonetheless, since the preparation of the report, Namibia's first woman judge had been appointed. The Ministry of Justice was trying to increase the proportion of women magistrates, which had reached 30 per cent in 1994. Traditional authorities and traditional courts were still dominated by men, but gender-sensitization workshops and affirmative-action provisions sought to address that imbalance.

16. Although women were less well represented in the broadcast media than in the print media, both media were increasing their coverage of gender-related issues, and a workshop had been held to explore strategies for empowering women employed in the media and to develop mechanisms to monitor the media's portrayal of women.

17. To address the lack of women in private-sector decision-making positions, affirmative-action legislation was being adopted and intensive training programmes were being conducted to help women in small enterprises to move into larger business ventures. The Department of Women Affairs had facilitated the establishment of the Namibian Women's Business Association and provided funding for selected business projects. Moreover, the affirmative-action measures should have an indirect impact on women's representation in trade-union structures.

18. Although few Namibian women held church leadership positions, the establishment of the Ecumenical Women of Namibia had enabled women from over 74 denominations to discuss strategies for addressing the social problems facing their communities. Non-governmental organizations were generally male-dominated, but many of them focused on gender issues.

Article 8

19. Only one of Namibia's 17 foreign missions was headed by a woman, but women made up nearly 43 per cent of all foreign mission staff, and one of the three Namibians employed as Professionals in the United Nations system was a woman. Capacity-building programmes should help to increase the number of women qualified for international postings. Moreover, each Ministry would, in future, report to the Department of Women Affairs on how many women participated in international delegations and conferences.

Article 9

20. Namibia's nationality laws were completely gender-neutral. No discrimination against women in respect of the acquisition or loss of citizenship had been reported. Likewise, no gender-related issues had been noted with respect to the treatment of refugees or the granting of refugee status. The population of Namibia's one refugee camp was fairly evenly divided between men and women, and schooling was available to both boys and girls at the camp.

Article 10

21. Under the Namibian Constitution, all persons had the right to education. The country spent 10 per cent of its gross national product on education; in 1996, over 90 per cent of the school-age population had been enrolled in school. The rapid growth in the number of pupils, schools and teachers placed a strain on the Government's ability to provide effective educational services. However, the Government had improved the collection and analysis of gender-disaggregated enrolment data.

22. Since Namibia's independence, female enrolment had increased at every age level, with a corresponding improvement in female literacy. While there were no major gender distinctions in school enrolment nationwide, female enrolment in certain regions declined markedly at the secondary-school level, often because of teenage pregnancy. The Government was currently considering a new policy under which pregnant schoolgirls would be supported rather than punished, serious action would be taken against teachers who engaged in sexual relations

with students and schoolboys responsible for such pregnancies would receive counselling on their responsibility to help maintain their child. In addition, family life education was being introduced in primary and secondary schools.

23. Comprehensive curriculum reform was under way at all educational levels. Although no special monitoring bodies or guidelines had been established on gender portrayals in textbooks, the Namibian Government was committed to the eradication of all sex discrimination. Gender stereotyping persisted in respect of course choices in secondary and higher education; career counselling should be improved to correct that problem.

24. All literacy teachers in the National Literacy Programme, which targeted women, received training in gender sensitivity. The results had been so successful that in July 1994 women had made up nearly 80 per cent of all persons enrolled in the programme.

Article 11

25. The 1992 Labour Act prohibited sex discrimination in all aspects of employment, as well as sexual harassment and discrimination based on family responsibilities. It also required equal pay for work of equal value; however, women were currently concentrated in low-paying sectors and occupations such as agriculture, domestic work and social services. Few women were employed in the formal sector, and only about 15 per cent of employers were women.

26. In 1994, the President had appointed a commission to study the labour situation of agricultural and domestic employees. That commission had held public hearings throughout the country and received information and research findings from a variety of groups and individuals, and was currently in the process of preparing recommendations. The 1992 Labour Act set minimum working conditions, provided a framework for collective bargaining, prohibited discrimination and safeguarded women's right to take maternity leave and to return to their jobs afterwards. Currently, the national maternity benefits fund covered only women who worked more than two days a week for the same employer, but consideration was being given to expanding that coverage to ensure that domestic workers could receive such benefits. The Labour Act made no provision for paternity leave, nor had there been any public demand for such leave.

27. New regulatory laws on childcare facilities were being formulated to protect children. However, incentives were needed to encourage employers to offer childcare facilities at the workplace, since very few employers currently offered such facilities. The high cost of childcare and the concentration of such services in urban areas made it all the more difficult for rural women to participate in the formal labour market.

Article 12

28. The Namibian Government had unified the country's health-care system under a central authority and had restructured it to improve services to the neediest population groups, with a new emphasis on primary health care.

29. According to 1991 figures, infant mortality in rural areas, at 72 per 1,000 live births, was significantly higher than in urban areas (55 per 1,000 live births). Fertility rates were also higher in rural areas, and generally reflected high fertility preferences. The Government was trying to reduce those rates through public education campaigns and expanded family planning services. The high incidence of teenage pregnancy pointed to a need for more family life education in the schools and greater dissemination of such information by health facilities.

30. Overall, the use of antenatal and delivery services was high. Immunization levels had increased remarkably since Namibia's independence. Infant mortality rates tended to decrease as women's levels of education increased; thus, a general improvement in the position of women should reduce the incidence of infant deaths. Average life expectancy at birth showed marked regional variations; the main causes of death among adults in hospitals included tuberculosis, circulatory-system disease, neoplasms, acute respiratory infections, malaria and high blood pressure.

31. Some of the Government's health-care initiatives, such as the Maternal and Child Health/Family Planning Programme and the Mother-Baby Friendly Initiative, specifically targeted women. Those efforts were complemented by the work of non-governmental organizations such as the Namibian National Women's Organization, which had launched a project to increase awareness of women's health needs and to promote safe motherhood.

32. Abortion was illegal except in the case of rape and certain other situations pertaining to the health of the mother or the child. The small number of legal abortions performed in Namibia were available mainly to educated women with easy access to the Windhoek State Hospital. Anecdotal evidence indicated that both illegal abortion and infanticide were problematic. A new law on abortion and sterilization, which would substantially liberalize the existing law, would probably be enacted by the end of the year.

33. The rate of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) infection was increasing more rapidly among women than among men, as a result of women's lower social and economic status. Specific attention to women with HIV/AIDS must be coupled with broader attempts to improve women's socio-economic status.

Article 13

34. In addition to its affirmative-action and other initiatives, the Government had sought to improve women's status by adopting the Married Persons Equality Act, under which married women were no longer required to obtain the consent of their husband before entering into a loan agreement.

35. Many donor-funded income-generating projects aimed at women perpetuated gender stereotyping by focusing on traditional women's skills such as sewing and cooking. Such projects often paid too little attention to feasibility studies and capacity-building.

36. A study of the existing child-maintenance enforcement procedure had identified areas in need of improvement, which were currently being considered

by a government commission. Maintenance grants were available to families in need, but the law governing such grants had been inherited from South Africa and was discriminatory in terms of sex and race. A new law which would address that problem and ensure that the grants more narrowly targeted the neediest households was currently under consideration.

37. Rural women were the largest demographic group in Namibia, comprising about one third of the population. Although Namibia had made much progress in improving living conditions for its rural population since independence, much remained to be done. Rural women were severely disadvantaged in terms of access to land, labour, agricultural services and assets, natural resources and employment and were virtually absent from decision-making and leadership structures. It would take a long time to address those inequities, but there were a number of government programmes which targeted rural women, including a programme designed by the Food and Agriculture Organization of the United Nations to encourage gender-sensitive planning and programmes to improve household food security, especially during droughts. Those programmes were crucial to rural women in terms of their role in subsistence agriculture. Rural women would also be assisted by the affirmative action provisions of the Cooperative Act. Her Government had made a special effort to reach out to the rural population in a number of programmes, for example through the employment of rural extension officers, and was taking steps to monitor the impact of such rural outreach efforts on women.

38. Communal land in rural areas was allocated by traditional authorities and, in some areas, rural women had no direct rights to land. A national land policy had been under discussion since 1996, in consultation with non-governmental organizations, which would accord women equal status with men with respect to all land rights and ensure the representation of women on future regional and local land boards.

39. The Government was the primary employer of rural women. Private sector employment was limited to poorly paid work on commercial farms and construction work. It was difficult for rural women to find professional jobs, because of inadequate education, and the lack of childcare facilities in rural areas. Although a bustling informal sector had emerged since independence, men dominated high-income activities. Women were engaging in community projects initiated by churches, non-governmental organizations and government departments, but such projects were concentrated in rural centres.

40. The newly enacted Traditional Authorities Act should contribute to the empowerment of rural women through the implementation of affirmative action programmes for women. Namibian non-governmental organizations had been involved with efforts to launch a rural women's movement, although consultations were still at a preliminary stage. Gender inequalities in inheritance under customary law were a problem in some communities; detailed data was being collected as a prelude to law reform in that area.

41. The age of majority under civil law was 21 for both men and women. The Married Persons Equality Act had now been passed by Parliament. Under the Act, couples who were married in community of property would be required to consult each other on major transactions, and there would be avenues of redress where consent to a transaction was unreasonably withheld by either spouse. Couples

who were married out of community of property had independent control over their respective property.

42. The Act also provided for equal guardianship of children born in either civil or customary marriages; guardianship powers could be exercised independently by either spouse, although the consent of both parents was required for important decisions. The Act also made the wife's domicile independent of that of her husband in both civil and customary marriages; the children's domicile was the place with which they were most closely connected.

43. In terms of customary law, the age of majority differed in different communities. Women married under customary had autonomous decision-making power in some respects, but were often subordinate to their husbands or other male relatives in important aspects of life. Although portions of the Married Persons Equality Act applied to customary marriages, the Government was developing a strategy for further law reform in respect of customary law, with particular attention to questions of inheritance.

44. The Namibian Constitution gave explicit protection to the family as the basic unit of society, without limiting the concept of family by attempting to provide a definition. Civil and customary marriages were often intertwined, and the concept of family often included extended family members. Cohabitation was not uncommon, and children were frequently born out of wedlock. Polygamy was practised in some areas.

45. Under the Constitution, men and women could enter marriage only with the free and full consent of the intending spouses. Men and women needed to be educated about the property consequences of marriage, however; meaningful changes in power relationships within families would require changes in people's attitudes to women.

46. Namibia's divorce law, while not discriminatory, were outdated and in need of reform. Many women had successfully applied for legal aid in divorce proceedings, especially where domestic violence was involved. The Law Reform and Development Commission was conducting research on attitudes to divorce and the operation of the divorce court.

47. Inheritance under civil law did not involve any overt sex discrimination, but some racial distinctions left over from the apartheid era still needed to be eliminated. The Law Reform and Development Commission was investigating the problems of discrimination in terms of inheritance under customary law.

48. Under the Married Persons Equality Act, the powers of mothers and fathers in both civil and customary marriages had been equalized. Mothers had greater rights over children born outside marriage. A draft children's status act currently under consideration would focus on that situation from the perspective of the rights of the child, rather than the competing rights of the parents.

49. There were some constraints on women's ability to control their fertility, including restrictions on abortion, social pressure to have children, and misinformation contraceptives. The Government's safe motherhood initiative had produced a marked increase in the utilization of family planning services by

women. Further advances could be made through public education, the removal of sex-role stereotypes, and general improvements in the status of women.

50. Married women were able to keep their own names if they wished, and to pursue the occupation of their choice. All sex discrimination and discrimination between married and single persons in the tax laws had been removed shortly after independence.

51. Minors needed the consent of their parents to enter into civil marriage. The age of consent for marriage was 18 for both boys and girls. There was no minimum age for marriage under customary law, but women's age at first marriage was tending to rise. Registration of customary marriages would be made compulsory once the research on customary marriage was completed.

52. Workshops to implement the Platform for Action of the Fourth World Conference on Women were being conducted all over Namibia and local programmes for its implementation were being developed at the community level. However, the implementation of the Convention and of the Platform for Action were hindered by lack of funds. Prior to the Conference, in 1993, Namibia had identified nine sectoral areas of concern in the process of women's empowerment; at the Conference, it had made a firm commitment to pay special attention to education, training and the girl child; women and law; violence against women and children; and health. The Ministry of Basic Education and Culture had developed a programme to screen training materials used in adult education for gender bias and to include a gender component in teacher training programmes. It was conducting business training courses and providing incentives for girls to pursue training in mathematics and science-related fields. A gender training and research programme had been established at the University of Namibia, under which research had been carried out on traditional practices, food security and gender research methodology.

53. Although Namibia had made great strides in improving the position of women, it would take time to achieve gender equality on all fronts; the Government could not accomplish such a change on its own and would need the partnership of non-governmental organizations.

General questions

54. Ms. ABAKA said that it was commendable that Namibia had ratified the Convention without any reservations. The report gave a frank description of the achievements made and the obstacles encountered. It was clear that there was the political will to ensure respect for the human rights of all Namibian citizens.

55. The report did not refer to any of the Committee's 22 general recommendations; those recommendations should be taken into account in the next report.

56. Despite constitutional protections and new legislation, it was clear that in Namibia, as in many other African countries, women still faced persistent discrimination emanating from deep-rooted traditions and customary laws. A large number of women were not empowered economically and, since they were

primarily concerned with survival, could not fulfil the aspirations envisaged in the Convention. Greater efforts must be made to reexamine the traditional roles of women and men in the family, the first level of decision-making.

57. Ms. SINEGIORGIS said that, since gaining independence in 1990, Namibia had ratified the Convention and had made great efforts to improve the status of women. It was commendable that non-governmental organizations had been closely involved in the preparation of the report.

58. The establishment of an ombudsman in the Department of Women's Affairs and of regional offices and women and child abuse centres was encouraging. As in other African countries, deep-rooted traditional practices were an impediment to the implementation of the Convention; the Government of Namibia would have to be very careful in attempting to eradicate them and should continue to sensitize the public on such issues.

59. Ms. BERNARD expressed her appreciation for the breadth and detail of the report, and for the Namibian Government's having ratified the Convention and preparing the report within such a short time after gaining independence, as well as for having established the Department of Women Affairs and for its specific attention to legal reform on gender issues as reflected by the establishment of such bodies as the Women and Law Committee. She looked forward to the gradual elimination of discrimination against women in civil and traditional marriage following the passage of the Married Persons Equality Bill, and commended the appointment of a woman ombudsman. She also hoped that the appointment of Namibia's first woman judge would pave the way for further appointments of women to judgeships.

60. Ms. LIN Shangzhen joined her colleagues in commending the Namibian Government for having prepared such a detailed report so soon after gaining independence. She also expressed her deep appreciation to Namibian President Nujoma for having provided the report's foreword, and hoped that he would continue to support the advancement of Namibia's women and the Department of Women Affairs.

Article 2

61. Ms. AOUIJ congratulated the Government of Namibia for its efforts at legal reform and improvement of the situation of women in that country, but noted that the continuing conflict between traditional and civil law often perpetuated discrimination against women. The Department of Women Affairs and non-governmental organizations should press the Government to review its legislation in that regard and reconcile traditional law and practices with civil law so as to eliminate such discrimination. She also hoped that more women would become judges, and that a greater sensitivity regarding the situation of women would permeate the country's legal institutions.

62. Ms. Yung Chung KIM asked how soon existing stereotypes and laws on sexual offences would be reformed, how many women had been appointed to the Law Reform and Development Commission, and how the Commission operated in its work.

63. Ms. CARTWRIGHT endorsed the views of her colleagues regarding the impressive progress being made towards equality for women in Namibia, and asked

what measures were being taken to disseminate awareness of the significance of Namibia's ratification of the Convention, whether women faced financial restrictions in bringing issues of concern to them to the courts, and whether legal aid was available to assist such actions. She also asked if a systematic programme existed to review and prohibit customary law that conflicted with the new Namibian Constitution and with the Convention, whether the Government recognized its obligation under international law to prohibit such laws, to what extent the Convention would prevail in court interpretations of conflicts with traditional or customary laws, and whether recent progress for women in community courts cited in one area of the country was spreading beyond that area. With regard to article 7, she noted with pleasure the appointment of Namibia's first woman judge, but stressed the importance of taking active measures to promote broader participation by women throughout the legal system, and asked if any such measures were currently being contemplated.

64. Ms. FERRER joined her colleagues in commending the Namibian Government and Department of Women Affairs for the breadth and detail of the report, but asked if the work of the newly-established Women and Law Committee and other organizations concerned with women's rights was being hampered by a lack of personnel, and whether a programme existed to disseminate knowledge and monitor the application of provisions of the new Constitution regarding women's equality.

65. Ms. RYEL expressed her appreciation for the actions taken by the Namibian Government as described in the report, and, referring to the tendency of gender equality issues to be subsumed by general human rights issues, asked whether the ombudsman intended to concentrate on gender issues as such. She also suggested that the nine gender sectoral committees described in the report should strengthen communication among themselves, with the participation of the ombudsman as well.

66. Ms. JAVATE DE DIOS, Rapporteur, expressed the Committee's appreciation for the high quality of the report, its adherence to Committee guidelines, and the active participation of non-governmental organizations in its preparation. The elevation of the Department of Women Affairs to Cabinet level was a particularly impressive sign of the Namibian Government's political will to effect gender equality, and the passage of the Married Persons Equality Act would further improve the status of women in Namibia. She asked what measures the Government was taking or contemplating to deal with conflicts between customary law and the new Constitution, and to handle resistance to change in general. There appeared to be a need for further public education in that area, as well as for mechanisms to monitor the implementation of anti-discrimination laws.

The meeting rose at 1.00 p.m.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Namibia (continued) (CEDAW/C/NAM/1)

1. At the invitation of the Chairperson, Ms. Ndaitwah (Namibia) took a place at the Committee table.

Article 3

2. Ms. GONZALEZ said that Namibia had been the first reporting State to interpret article 3 of the Convention on the Elimination of All Forms of Discrimination against Women as focusing on violence against women. While she was very pleased that the Government of Namibia had established a network of women and child abuse centres, violence against women and children would continue unless preventive and corrective measures were taken. She wished to know whether the issue of domestic violence and violence against women would be included in the law reform process mentioned in Namibia's comments on article 2. She enquired whether other legislative measures had been taken to eliminate gender stereotypes, such as male dominance in the home. Another useful measure would be to conduct an information campaign to make teenage boys and girls aware of gender equality and to provide adequate sex education, which would help reduce the high rate of teenage pregnancy.

3. The Government of Namibia should carry out measures to prevent violence and social discrimination against women and should also consider adopting special measures to address the serious problem of child labour, which affected both boys and girls. The International Labour Organization, which was currently helping Namibia to accede to international labour conventions, had a number of programmes that could be implemented in Namibia.

4. Ms. BERNARD said that the Combating of Immoral Practices Act seemed to discriminate against female prostitutes, and she wished to know why special defences were provided for boys under the age of 21 who had sexual intercourse with prostitutes. Young female prostitutes were also entitled to such protection. Moreover, prostitutes should have the same protection as other women when they were forced to engage in sexual intercourse.

5. Ms. Yung Chung KIM wished to know what steps the Government of Namibia was planning to take to prevent domestic violence, and what was the position of non-governmental organizations and women's groups on the issue of domestic violence. Was the Government of Namibia prepared to set aside resources to establish women and child abuse centres on a long-term basis?

6. Ms. FERRER said that the representative of Namibia had referred to a hierarchical mechanism for implementing the Convention, and she wished to know whether that mechanism operated at the national level. She asked what the relations were between the Department of Women Affairs and the Gender Network

Coordinating Committee. How did the Women and Law Committee relate to other mechanisms that dealt with gender equality? Lastly, she wished to know whether the Government had adopted a national plan to consider ways of implementing the Platform for Action of the Fourth World Conference on Women.

Article 4

7. Ms. ABAKA said that the implementation of article 4 of the Convention must always be seen as a temporary measure. The Government of Namibia had not provided any information on the objectives of its affirmative action programmes or a time-frame for achieving specific results. It would be interesting to know what programmes had been put in place to sustain the positive results of affirmative action.

8. Ms. Yung Chung KIM wished to know the overall percentage of women in important decision-making bodies which, in addition to the legislative, executive and judicial branches, included political parties and labour and educational organizations. What impact did women in such decision-making bodies have on the adoption of affirmative action measures? She enquired whether the Government of Namibia planned to establish a special mechanism to monitor and promote the de facto implementation of affirmative action programmes.

9. Ms. OUEDRAOGO said that, given the extent of gender stereotyping, the Government of Namibia should consider an advocacy programme that identified certain forms of discrimination. The programme should consist of three parts: firstly, research to identify the most negative forms of discrimination; secondly, an awareness campaign that focused on decision-makers, legislators, traditional leaders, women's associations and non-governmental organizations, which should assist the Government's technical departments and sectoral networks for the advancement of women; and, thirdly, training with a view to eradicating stereotypes.

10. The CHAIRPERSON said that her comments related to both article 4 and article 11 of the Convention. The private sector in Namibia was still very vulnerable and, in rural areas, where women constituted the largest demographic group, affirmative action programmes had had very little impact on the creation of employment opportunities for women. She asked whether the agricultural sector had a minimum wage; if so, how was that wage enforced? She wished to know whether Namibia's legislation on cooperatives included programmes to assist women in obtaining credit; if women had access to credit, were they required to put up collateral? She also wished to know whether any non-governmental organizations had been active in the areas of women's ownership and inheritance of land and the improvement of employment opportunities for rural women.

11. Ms. JAVATE DE DIOS said that she did not understand why the issue of maternity protection had been included under article 4. Companies might draw the conclusion that maternity protection was a measure with which they did not have to comply; even if they chose to do so, there was no set timetable for such compliance. For that reason, she suggested that the Government of Namibia consider including the issue of maternity protection under article 11 (b) of the Convention.

Article 5

12. Ms. GONZALEZ said that she was very concerned that the Government of Namibia had allocated considerable resources to support a beauty pageant, which reinforced particular stereotypes of women. She wondered whether any non-governmental organizations had expressed their opposition to the beauty pageant or had attempted to organize other events that highlighted the real role of women in Namibian society, and whether those organizations had stressed that the Government should allocate resources to social needs. She enquired whether non-governmental organizations had proposed any political measures for social development in general, and what success they had had in implementing their proposals for the period 1996-1997.

13. The report did not refer to any specific plans to combat gender stereotypes, address the persistent inequality of women, or change women's mentality. She enquired whether the Government had given any thought to information campaigns, courses and seminars to promote awareness about women's full equality vis-à-vis men. Lastly, she wished to know whether the research on practices that affected the health of mothers and children was being supported by the World Health Organization (WHO) or the Centre for Human Rights; if so, what was the extent of the support for such research and for measures to eliminate such practices?

14. Ms. JAVATE DE DIOS said that in Namibia rape was aggravated by the inequality of the rape law, which placed the burden of proof on the victim rather than on the perpetrator. She requested more information concerning the rape of female relatives and on measures to address that problem. Arrested women and women in detention were sometimes sexually assaulted, and she enquired whether the Government of Namibia had taken any measures to deal with that problem, especially in cases where the perpetrators were policemen or men in government. She wished to know the status of the plans to revise the rape law and when the new rape law would be enacted.

Article 6

15. Ms. BUSTELO GARCÍA DEL REAL recalled that the representative of Namibia had said that the legislation on prostitution had been suspended while the Ministry of Justice consulted interested parties regarding the Combating of Immoral Practices Act. She requested information on the identity of the interested parties, how long the legislation would be suspended, and what was Namibian customary law in relation to prostitution. She asked whether any research on prostitution was being carried out and recommended that any new legislation should be based on the defence of women's human rights rather than on moral beliefs. Prostitutes tended to be victims of violence and persons at risk, and such factors should be taken into account in State policies. She wondered whether women had easy access to medical information and care and what was the incidence of abortion. Lastly, she would welcome additional information on any programmes to help women earn money in other types of work, any non-governmental organizations that were working in the field, and whether migrant and refugee women were more likely to be victims of prostitution.

16. Ms. OUEDRAOGO referred to the prevention of prostitution and commented that, in Africa, the school drop-out rate for girls tended to be very high. She recommended that such girls should be the target of special socio-economic programmes, as poverty caused girls and women to turn to prostitution. She suggested that gender-disaggregated information should be provided on illnesses and work-training.

17. Ms. JAVATE DE DIOS asked whether research had been carried out on male usage of prostitution. She also requested information on the incidence of AIDS and whether any programmes existed to help women at risk of contracting AIDS and other sexually transmitted diseases. Referring to inter-country adoption, she wished to know whether adequate data existed to demonstrate that child prostitution was not being promoted.

Article 7

18. Ms. CORTI observed that there had been less progress under article 7 than in other fields. The report mentioned that there was a generally held opinion that women were unsuited to a career in politics, and she noted that political parties, governments, unions and the private sector tended to be male-dominated. Since Namibia needed sufficient women in the Government and other institutional bodies to solve problems related to women, she expressed surprise that affirmative action had not been used to make progress towards that goal. She asked what the women who were involved in public life had done or were doing to promote women's progress and to remedy the current situation. She requested clarification of the statement that "all citizens, male and female, have a constitutional right ... to influence the composition and policies of the Government" (p. 80, second para.) and asked whether all persons in Namibia enjoyed the same right.

19. It appeared that the traditional authorities were doing more to promote women than the Government, as the newly enacted Traditional Authorities Act required them to promote affirmative action. She requested information on the jurisdiction of the traditional courts and on the results of women's full participation in the work of the courts. While women seemed to have succeeded in introducing themselves into the media, she enquired whether they had been able to eliminate stereotyping. Lastly, she would welcome further information on the new cooperatives and on women and military service.

20. Ms. Yung Chung KIM observed that there were two categories of members of the National Assembly, 72 voting members elected on a party list system and six non-voting members, appointed for their expertise; she wished to know why the latter did not have the right to vote.

21. Ms. HARTONO requested clarification of several points. Apart from the lack of education factor, she asked why it was usually easy to give women voting rights, but more difficult to get women elected. She wished to know whether the Ombudsman had the right to review laws to see if they were contrary to the Constitution and, if so, to examine the consequences. Also, whether the seven female Ministers held stereotypical portfolios.

22. Regarding women's rights, she asked whether women had the right to represent themselves in court; how the Law Reform and Development Commission was structured and what participation women had in it; and how many female law professors, deans of law, and university presidents there were. She wanted to know why women were under-represented in the private sector and, lastly, if the Government had a plan of action to improve the current situation and promote women to decision-making positions in domestic life, social life and public affairs.

23. Ms. ABAKA recommended that affirmative action should be a feature of the next local council elections in order to ensure an adequate number of women candidates.

24. Ms. SHALEV requested further information on traditional authorities and courts, particularly with regard to their status, their jurisdiction, the type of issues they dealt with and the means of access to them.

Article 8

25. Ms. JAVATE DE DIOS asked whether the Ministry of Foreign Affairs provided gender training for diplomats and whether future diplomats were made aware of the Convention and other United Nations human rights instruments. The report clearly represented a very rich source of information both on women and on the internal and international evolution of Namibia, and she recommended that it should be included in the reading list given to all diplomats. She also wished to know whether gender issues were reflected in all reports submitted under the United Nations instruments ratified by Namibia.

26. Ms. SINEGIORGIS, after observing that 43 per cent of the employees in the Ministry of Foreign Affairs were women, requested information on the job description for Third Secretaries, who were all women.

Article 9

27. Ms. JAVATE DE DIOS asked whether the requirement to renounce foreign citizenship on acquiring Namibian citizenship applied to both men and women and whether refugees could apply for citizenship.

Article 10

28. Ms. SATO noted from the report that many educationally promising girls had difficulty in continuing their studies because of teenage pregnancy and that in many instances girls were expelled from school for being pregnant while the boys who fathered the children suffered no such punishment. She suggested that what was needed was counselling for the girls and punishment for the boys. She found it strange that there were more women than men enrolled in university, when girls had higher repetition rates at the secondary level.

Article 11

29. Ms. BERNARD asked what steps were being taken to increase the provision of childcare facilities in order to promote the full participation of women in the workforce.

30. Ms. JAVATE DE DIOS observed that the report stated that the Labour Act prohibited unfair discrimination by employers. She wished to know what type of discrimination was being referred to, and what measures were being taken to equalize wages, to increase women's career possibilities and to improve the quality of pertinent data.

Article 12

31. Ms. ABAKA expressed surprise that tuberculosis, a disease which had been almost eradicated worldwide should be the main cause of death in Namibia and asked whether women were more affected than men. She also requested information on the nutritional status of women. Regarding teenage pregnancies, she asked whether any sex education programmes existed, how were they implemented and how was information disseminated. As Namibia was mainly Christian, she wished to know the Church's reaction to the fact that polygamy affected one out of every eight married women.

32. Ms. SHALEV suggested that the debate on the new, more liberal abortion law was an opportunity to break the taboo on discussing sexuality. However, women were not only mothers, and their health should be viewed in terms of life cycles and the impact of work, ageing, malnutrition, violence and other factors. She asked about the different causes of male and female deaths and requested disaggregated data on infant and maternal mortality.

33. The CHAIRPERSON enquired whether the traditional culture in Namibia fostered a preference for one sex over the other and whether the very high abortion rate could be attributed to such a preference. She wondered whether sex selection facilities were available to women and, if so, whether their existence had an impact on abortion and infanticide rates. She also wished to know whether most abortions were performed clandestinely, what the major reasons were for the very high abortion rate and whether sex education was included in the school curriculum. Lastly, she wondered whether any relationship had been established between the high infant mortality rate and polygamous marriages, given the tendency of such marriages to reduce the economic standard of the family, with its attendant negative impact on children.

Article 14

34. Ms. OUEDRAOGO enquired whether consideration had been given to establishing special credit facilities for rural women which would extend loans on preferential terms. In a number of African countries, efforts to mobilize women had resulted in their successful involvement in income-producing activities, which were a key to improving their status. Furthermore, education and advocacy were essential in order to eliminate stereotypes undermining the status of women.

Article 16

35. Ms. AOUIJ encouraged Namibia to introduce far-reaching civil law reforms with a view to eliminating in particular the vestiges of apartheid, which continued to undermine the status of women. Given the coexistence of civil law and customary law, women must be informed of their legal rights.

36. She welcomed the fact that the legal age for marriage would soon be 18 for both boys and girls. Polygamy was the most pernicious form of discrimination against women and it was essential to sensitize women to its drawbacks, with a view to its ultimate abolition. However, any protections which women in existing polygamous marriages and their children enjoyed should continue.

37. With regard to inheritance, she wished to know whether the resolution passed in 1992 by Parliament requesting traditional leaders to allow widows to remain on their land had been implemented in practice. She wondered why the pace of common law reform was so slow, given how profoundly the common law undermined the rights of women. Genuine political will was required to bring about changes, since resistance would always be present. Women in customary marriages were in an even more precarious situation. She wished to know whether women truly could choose between civil and customary marriages and what factors determined their choice. She also wondered whether statistics were available on the number of couples in each type of marriage. Lastly, she wished to know how the State party reconciled civil law, which was constitutional, with customary law, which was not.

38. Ms. ACAR requested the representative of Namibia to provide additional information as to whether civil law reform was expected to have a concrete impact on the high number of polygamous marriages in Namibia and whether the Government intended to require the registration of customary marriages. She wished to know the status of the research under way on customary marriages and whether it would provide the basis for government policy. She also enquired whether the Married Persons Equality Bill would affect the status of women in customary marriages, in particular, women in polygamous marriages, and whether the Government was taking steps to extend the rights provided under that Bill to women in customary marriages.

39. The CHAIRPERSON observed that, while polygamy was more difficult to address in countries in which it was sanctioned by religion, some such countries had successfully tackled the problem. Perhaps the issue was not as sensitive as the representative of Namibia had indicated, since polygamy was not sanctioned by religion in that country, and it therefore should be easier to abolish.

The meeting rose at 5 p.m.

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Seventeenth session

SUMMARY RECORD OF THE 338th MEETING

Held at Headquarters, New York,
on Wednesday, 9 July 1997, at 10.30 a.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second periodic reports of Luxembourg (CEDAW/C/LUX/1 and CEDAW/C/LUX/2)

1. At the invitation of the Chairperson, Mrs. Mulheims (Luxembourg) took a place at the Committee table.

2. Mrs. MULHEIMS (Luxembourg), introducing the initial and second periodic reports of Luxembourg (CEDAW/C/LUX/1 and CEDAW/C/LUX/2), said that Luxembourg was initiating a pilot project in the area of equal opportunity in vocational training. During its presidency of the European Union, Luxembourg would also devote special attention to the issues of equal opportunity, basic human rights and traffic in human beings, particularly women, in the context of the expansion of the European Union to include countries of Central Europe.

3. While the Government of Luxembourg had entered a reservation in ratifying the Convention in so far as it conflicted with an article of the family compact of the house of Nassau concerning the hereditary transmission of the crown of the Grand Duchy of Luxembourg through the male line, the current Grand Duke had indicated his agreement in principle with a ministerial proposal to revise that article. In 1997, a Constitutional reform commission of the Chamber of Deputies had proposed the addition of a provision regarding non-discrimination to the country's Constitution, and the Government had adopted its "Plan of Action 2000" for implementing the Declaration and Platform for Action adopted at the Fourth World Conference on Women held at Beijing in 1995. Those actions reflected the Government's commitment to establishing the principle of equality of women and men in the Constitution and in legislation.

4. A proposal to allow women voters to register under their maiden names in voting lists had been passed by the Chamber of Deputies in 1995 only after massive opposition had been overcome, and opposition along similar lines regarding the choice of the father's or mother's family names for a couple's children had led to the reservation to article 16 of the Convention, but the Government was nevertheless committed to working towards the lifting of the reservations once the Plan of Action 2000 had been adopted.

5. Women constituted a relatively low percentage of those elected to the Chamber of Deputies or appointed to ministerial posts, but were more strongly represented in positions of leadership in the political parties. They were greatly outnumbered by men in decision-making positions at the community level, however, where they constituted a mere 10.9 per cent of the membership of local councils. Nevertheless, pressure from feminist movements and activists during the 1970s and 1980s had resulted in the passage of important laws establishing equality of the sexes.

6. Although Luxembourg had not ratified the Convention until 1989, a number of measures promoting women's equality had been adopted at the ministerial level before that date. Following ratification, an interministerial working group had been set up specifically to address women's issues in 1991. However, the establishment of the Ministry for the Advancement of Women in 1995 had finally provided women and men with an institutional body dedicated to the effective realization of equal rights and opportunities, and highlighted the independence of women's policy from family policy.

7. The Ministry had pursued the policy of women's advancement from the time of its establishment, and had worked for the explicit equality of women and men within the framework of the Beijing Platform and the Convention. Its three areas of primary activity comprised mainstreaming policy, education, training and employment policy, and social policy.

8. In the area of mainstreaming, the Ministry was assisted by the Interministerial Committee on Gender Equality, which had been given a regulatory framework in 1996. The Government's intention had been to strengthen that body by giving it a mandate and clearly defined powers, in pursuance of the strategic objective of the Beijing Platform, and in the context of the Government's view of mainstreaming as an indispensable tool for combating the unequal treatment of women. The Ministry for the Advancement of Women was also represented on an interministerial committee for cooperation in development, thereby guaranteeing its ability to ensure that equality issues would form an integral part of the policy of cooperation in development.

9. The Plan of Action 2000 also called for the creation of policies favouring equal opportunities in education and training. The Ministry of National Education and Vocational Training was already taking substantive measures in that regard, in concert with the Ministry for the Advancement of Women and other ministries. An example of mainstreaming was the organization of a media campaign against acquired immunodeficiency syndrome (AIDS), in which representatives of the ministries for the Advancement of Women, of National Education and Vocational Training, of Youth, of the Family and of Health participated.

10. Another example of mainstreaming was the establishment of a sub-group, on women and employment of the interministerial committee on gender equality; the sub-group was responsible for compiling statistics on female employment and would ensure the implementation of the plan of action in that sphere. The Ministry for the Advancement of Women had recently conducted a survey on the adjustment of working hours in the civil service. Within the European Union, it planned to organize an international conference on work arrangements.

11. The Women's Labour Committee, an advisory body of the Ministry for the Advancement of Women in operation since 1980, was empowered to propose action to improve the situation of women.

12. The National Council of Women of Luxembourg (CNFL) had initiated a broad strategy for mainstreaming the equality policy. It had invited the councils of the 118 communes to appoint a member who would be responsible for promoting equal opportunities in the commune; appoint an advisory commission on equal

opportunities; and consider establishing an equal opportunities office in the major communes. The measures to be taken by the communal body on equal opportunities were described in the initial report (CEDAW/C/LUX/1).

13. Training courses organized by the Ministry of the Interior for communal employees included sessions to raise awareness of the issue of gender equality. In the context of the communal policy on equality, an analysis would be made of the situation of women and men in each commune, and cooperation would then be developed between the advisory commissions, local organizations, local and national bodies and individuals, mobilizing as many people as possible in support of the equality policy. In that context, the Ministry for the Advancement of Women was conducting a pilot project for pre-school children, with the assistance of local advisory commissions.

14. Cooperation with non-governmental organizations was an important component of mainstreaming; the Ministry for the Advancement of Women subsidized their activities within the possibilities of its budget. In September it would organize a round table on the rights of women in the areas of social and financial security and education. A recent initiative was the establishment of regional discussion groups. All in all, the mainstreaming strategy had reached a high proportion of the population.

15. A second priority area was the education, training and employment policy. Within the context of the European Union's fourth action programme on equal opportunities for women and men, the Ministry for the Advancement of Women had submitted a project entitled "Sharing equality", which had just been extended to 1997. The project aimed to promote equal opportunities in two complementary spheres: education and vocational training, and employment and working life. The concept of equal opportunities had to be instilled at the earliest possible age, in children of both sexes, if there was to be an equitable environment at work. The first dimension of the project therefore sought to impart an education which embodied equal-opportunity principles, in cooperation with communes, teachers, parents and local women's bodies. The second dimension aimed to promote equal opportunities for women and men in the workplace, in cooperation with the ministries responsible for training and employment, training bodies, and employers' and workers' associations. For both adults and children, reflection about oneself and understanding of others were regarded as the essential elements for achieving true partnership between the sexes.

16. The Ministry for the Advancement of Women had prepared a training module on equality for use by training personnel and teachers at all levels, which was being incorporated into training activities. The Ministry had also initiated training for youth workers, personnel officers and all training personnel in the civil service.

17. The "Sharing equality" project was closely linked to the FEM TRAINING NET (Leonardo da Vinci) project, which had the goal of establishing and developing an educational and training network for girls and women. That project had been initiated by the Ministry of National Education and Vocational Training, in cooperation with the Ministry for the Advancement of Women and the Ministry of Labour and Employment.

18. The Ministry for the Advancement of Women had submitted a bill on the designation of an equality representative in private enterprises. The Minister for the Advancement of Women had recently announced that the Government planned to appoint equality representatives in the civil service.

19. De facto inequality was most apparent in the area of employment. Women accounted for 36.5 per cent of the working population and 43.3 per cent of unemployed persons; over twice as many women as men were engaged in part-time work. Women's salaries were 70 per cent of the salaries of their male counterparts. The Ministry for the Advancement of Women planned to publish a statistical study on women and the labour market in the near future.

20. A Council of Europe directive concerning the framework agreement on parental leave was currently under negotiation among the social partners at the national level. The Ministry for the Advancement of Women had submitted a bill on family leave to the Chamber of Deputies in March 1996, and was currently formulating a bill on combating sexual harassment at the workplace. In mid-June, a motion had been adopted by all the political parties in the Chamber of Deputies calling on the Government to draw up a broad strategy of information and awareness-raising with regard to the equitable division of work and family responsibilities. A group of women journalists had recently carried out a survey on the situation of journalists and the image of women in the media.

21. A third major area was the social sphere. The Ministry for the Advancement of Women was working to ensure individual entitlement to social security coverage for all women, particularly those who stayed away from work for lengthy periods or gave up working altogether. In addition, it was supporting local and communal initiatives to set up childcare facilities.

22. In 1996, the Ministry for the Advancement of Women had given its support to a project of the Femmes en Détresse association for establishing a girls' home for girls from 12 to 21 years of age. The project consisted of an information bureau, a drop-in centre and a shelter. A broad campaign against the sexual abuse of girls had been organized prior to the launching of the project. During the campaign, the girls' home staff had organized workshops on violence and sexual abuse. A further campaign to combat violence against women would be organized at the end of 1997.

23. Luxembourg had ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The Ministry for the Advancement of Women had been closely involved in the conference on traffic in women organized by the European Commission in 1996. Luxembourg had supported the ministerial declaration on the subject which had been adopted at The Hague and was studying the possibility of drawing up a questionnaire on follow-up to that declaration.

24. In October 1994, to combat traffic in women, the Minister of Justice had established a system of quotas for residence permits for foreign performing artists. A bill on money laundering, which would also cover profits from traffic in human beings, was currently going to the vote. Prostitution itself was not prohibited in Luxembourg, but procurement and soliciting were. The Ministry for the Advancement of Women planned to open a centre for prostitutes

in 1998 which would provide counselling, information and legal aid, and medical care. Confidentiality would be ensured.

25. Another target population was foreign, immigrant and refugee women. Foreigners accounted for 30 per cent of the population in 1991; about 91 per cent were citizens of the European Union and the European economic area, and 9 per cent were from third countries, including refugees.

26. Women generally immigrated for purposes of family reunion; most women immigrants came from southern Europe. A number of refugee women had come to Luxembourg over the last 30 years, but few of them had been single or heads of single-parent households. With the most recent wave of refugees from the former Yugoslavia, however, a larger number of women heads of household had obtained ad hoc refugee status in Luxembourg. Such women benefited from a number of special measures, such as the provision of safe shelter; counselling by professional social workers; the possibility of requesting that the administrative procedures in their case should be carried out by a female official of the Ministry of Justice and that a female interpreter should be provided; language courses scheduled so as to be compatible with family life; and specialized services for women refugees who obtained residence permits.

27. Luxembourg's Ministry for the Advancement of Women was actively developing the country's legislative framework for equality of women and men. Many awareness, information and training initiatives were being carried out; they were interrelated and dealt with each of the three priority areas of the Ministry's work: mainstreaming, social policy and education, training and employment policy. They were aimed at persons in every age group, both male and female. As a specific means of raising the awareness of young people, the Ministry had prepared a handbook on the Convention for use as a supplementary text in civics courses. The two main objectives of the handbook, which would be published in French and German and which was intended for 17- and 18-year-olds, were to make young people more aware of persistent social inequalities with respect to girls and women and to ensure that girls understood their rights. She wished to present the Chairperson with a copy of the handbook. In addition, reports on the implementation of the Convention would be distributed to students and to all other interested parties, including non-governmental organizations.

28. Because attitudes towards equality of the sexes could not be changed unless actions targeted young men as well as young women, the Ministry's Plan of Action 2000 stressed the importance of introducing home economics courses in all types of schools and making them available to both girls and boys, to prepare the latter to assume family responsibilities in an egalitarian manner.

29. De facto equality of the sexes had not yet been achieved in Luxembourg. Attitudinal change was a long and complex process whose success depended on the participation of all social actors. It had taken over 2,000 years for society to discuss openly and publicly the problem of discrimination against women. Although women's situation had improved, power was still too often in the hands of men. It might be appropriate to hold a world conference on the subject of men and power, since the shift to an egalitarian society required efforts to enhance men's awareness, including their awareness of their degree of responsibility.

30. Ms. CORTI said that Luxembourg's very detailed and frank reports showed that Luxembourg had always been at the forefront of equal-opportunity efforts, even among the European countries. However, it had ratified the Convention in 1989 - somewhat later than other European Union countries - and had entered reservations to articles 7 and 16. Although the reservation to article 7 was understandable, since it concerned the family of the Grand Duke, she hoped that it would be withdrawn. The reservation to article 16 (g), however, was harder to understand; she hoped that it, too, would be withdrawn, in accordance with the recommendations issued at the 1993 World Conference on Human Rights and the 1995 Fourth World Conference on Women.

31. She was pleased to note that the Ministry for the Advancement of Women had adopted the Plan of Action 2000 to implement the Beijing Platform for Action, and that Luxembourg's cooperation with developing countries would specifically promote the advancement of women. With respect to the proposal to convene a world conference on the subject of men and power, the best way to raise men's awareness of women's capacities was to promote greater mobilization of women themselves.

32. Since Luxembourg was to take over the presidency of the European Union for the next six months, she hoped that it would ensure that the Convention, to which all of the European countries were parties, was widely publicized in those countries and formed part of the basic body of legal principles uniting them.

Article 2

33. Ms. GONZALEZ said that the measures implemented as a follow-up to the recommendations issued at the Beijing Conference, which were listed in the second report (CEDAW/C/LUX/2), should serve as examples to other countries.

34. She asked why the initial report (CEDAW/C/LUX/1), in the section on legislative measures to ensure equality, indicated only that women could serve as "volunteers" in the army, and whether a distinction was being made between such "volunteer" work and careers in the military. She also asked for clarification of the "expenses relating to the marriage" referred to in the context of the Act of December 1972 concerning the rights and duties of spouses, and whether those expenses were understood to be the same for both spouses.

35. Ms. SHALEV asked whether a renewed attempt had been made to introduce a definition of the principle of equality of women and men into Luxembourg's Constitution. She also asked whether the Convention was currently applicable under Luxembourg's domestic law or whether legislation was needed to give it effect.

36. Although the reports contained much information on the laws enacted, they did not contain statistics, which would have been useful. She wondered why most women in Luxembourg did not engage in paid employment, since the indication that immigration was the most important factor in Luxembourg's population growth implied that the birth rate was low, the laws on maternity leave appeared to favour working women and childcare was widely available.

37. Ms. CORTI asked what causes were accepted as grounds for divorce under the amended divorce law. She also asked whether, in general, international law took precedence over domestic law. Lastly, she wondered whether the measures taken to integrate refugee and immigrant women into society included special laws enabling them to work and, if so, in what conditions.

38. Ms. CARTWRIGHT asked whether women in Luxembourg could bring cases of indirect discrimination before the courts and, if so, whether any such actions had been taken. She also wondered whether there were any association of women lawyers that encouraged and assisted women who wished to bring such cases before the courts, and whether any legal aid was available to women who did so.

Article 3

39. Ms. AOUIJ said that she appreciated the mainstreaming of the gender perspective under Luxembourg's Plan of Action 2000. She asked for updated information on the status of the draft legislation on family leave, sexual harassment at the workplace and the designation of a labour delegate for women in companies of a certain size. She also asked whether Luxembourg intended to pass a law expressly providing for the punishment of acts of violence committed against women because they were women.

40. She praised Luxembourg's media awareness campaign and asked the delegation to provide all the members of the Committee with copies of the illustrated handbook published on the Convention. That initiative was important not only in the context of efforts to achieve equality, but also in the context of the United Nations Decade for Human Rights Education.

41. She asked for more details on the composition of the Interministerial Committee on Gender Equality, on who presided over it and on what human and financial resources were available to it. She also wished to know the exact percentage of women immigrants out of the total number of immigrants. Lastly, she supported Ms. Corti's request that Luxembourg should give the Convention priority in the context of the European Union, since such efforts could also have a positive impact on countries associated with the European Union, such as her home country, Tunisia.

42. Ms. OUEDRAOGO said that Luxembourg should be commended for having established a Ministry for the Advancement of Women separate from the ministry dealing with family matters, demonstrating its recognition that women had an identity separate from their role in the family.

43. The diversity of structures for the advancement of women gave her some concern, however, and she would like to hear more about the relationship between them. It was important that the Ministry for the Advancement of Women should have sufficient political authority and resources to play the leadership role.

44. Ms. GONZALEZ said that the establishment of the Ministry for the Advancement of Women had been cited as proof of the Government's commitment to the advancement of women, yet it seemed to her that family policy and women's rights were interdependent, and therefore must be linked. She would like more information about how policy in those two areas was coordinated.

Article 4

45. Ms. GONZALEZ asked for more specific information on Government policy, plans and programmes to include women in political life and whether any affirmative action had been taken to encourage their participation in political parties.

46. Ms. RYEL said that the report contained a great deal of information on plans, policies and programmes, yet she wondered if any goals had been established for women's increased participation in decision-making, five or ten years in the future, for instance. She would like to know if there were quotas for women's participation in Government bodies and committees. In her experience, affirmative action measures were needed in order to combat inequality effectively.

47. Ms. Yung Chung KIM said that the education programmes had been described in great detail, but the reports lacked information on targets or a programme of action with a timetable. Both the initial and second periodic reports described the legal framework, proposals and consultations held to promote the employment of women in the public sector, yet no plan of action was mentioned. There were few women in decision-making positions in the Government, although many must be qualified because of the high level of education among the women of Luxembourg. She wondered why no special measures had been taken in that area.

48. The CHAIRPERSON said that Luxembourg enjoyed the advantages of a relatively high per capita gross national product and longstanding equality of opportunity in education, yet, by its own admission, de facto equality had not been achieved. More information on affirmative action measures would be helpful.

49. She also requested clarification of the apparent contradiction between the statement that most women living in Luxembourg were not engaged in paid employment and the statistic quoted later in the initial report, in the discussion on article 11, that 59.4 per cent of women of working age were employed.

Article 5

50. Ms. FERRER noted that acts of sexual assault were referred to in the report as attacks on the ordinary sense of decency, and not the personal integrity of the victims. In her view, the terminology should be changed to reflect their true gravity. She would like more information on the current penalties for such acts, as well as gender-disaggregated data on violence. An update on the status of the proposed law on sexual harassment at the workplace would also be useful.

51. Ms. RYEL agreed that attitudes were difficult to change, and suggested that emphasis should be placed on the man's role within the home and his shared responsibility for his children. With regard to women's employment, since men did most of the recruitment and made most of the decisions on promotion, they should be educated on gender-neutral recruitment and promotion practices.

52. Ms. CARTWRIGHT congratulated the Government of Luxembourg for honouring its commitment made at the Beijing Conference to open a young women's shelter. She

asked whether, as a matter of policy and of fact, the police arrested the perpetrators of violence against women, and whether such offences were treated as seriously by the police and the courts as other acts of violence.

53. Ms. JAVATE DE DIOS asked about the effects of the proposed pornography bill on the attitudes of young men towards women and about the extent of the use of pornography in Luxembourg. She also requested clarification of the offence of "indecent assault without violence or threats".

The meeting rose at 1.05 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

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27 March 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventeenth session

SUMMARY RECORD OF THE 339th MEETING

Held at Headquarters, New York,
on Wednesday, 9 July 1997, at 3 p.m.

Chairperson: Ms. KHAN

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second periodic reports of Luxembourg (continued)

This record is subject to correction.

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97-81630 (E)

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second periodic reports of Luxembourg (continued) (CEDAW/C/LUX/1 and CEDAW/C/LUX/2)

1. At the invitation of the Chairperson, Mrs. Mulheims (Luxembourg) took a place at the Committee table.

Article 5

2. Ms. GONZALEZ requested statistics on violence against women, especially spousal violence, and on violence against children. It would be helpful to know whether national legislation provided specific penalties for those particular forms of domestic violence.

Article 6

3. Ms. BUSTELO GARCÍA DEL REAL asked what steps were being taken to deal with the increase in street prostitution. It would be useful to know whether native or foreign women were responsible for that increase and whether Luxembourg was collaborating with third States, particularly those in Europe, to suppress the traffic in women. She would welcome clarification of the quota system for the granting of residence permits to non-nationals of European Union member States. She wondered how effective that system was and whether it did not make women who were illegally resident in Luxembourg subject to greater abuse by networks of traffickers. The situation seemed all the more unsatisfactory since, during the investigation of such networks, illegal aliens were expelled before they could testify against the individuals who had forced them into prostitution. She would welcome information on the steps being taken to amend the current legislation with a view to more effectively suppressing the networks of traffickers.

Article 7

4. Ms. CARTWRIGHT requested information on the numbers of women in the judiciary and the legal profession in Luxembourg and on the steps being taken to increase those numbers if the proportion of women was less than half.

Article 10

5. Ms. SATO noted that the report made no mention of institutions of higher learning. She would welcome information on access to university education in Luxembourg, the numbers of male and female university graduates, the proportions of males and females receiving scholarships and the university drop-out rate for males and females.

Article 11

6. Ms. BUSTELO GARCÍA DEL REAL requested gender-disaggregated data on the total economically active population, the number of unemployed and underemployed persons and the number of part-time workers, and the recent evolution of those trends in Luxembourg. She wondered what steps were being taken to reflect non-remunerated work in the national accounts of Luxembourg, as recommended by the Fourth World Conference on Women. The Committee would also welcome gender-specific data on the number of persons in receipt of retirement pensions and the median amount of such pensions. Finally, it would be useful to know whether the national legislation provided a clear definition of indirect discrimination, whether there had been any changes in the burden of proof required to substantiate claims of such discrimination and what progress had been made to guarantee the right to equal pay for equal work, particularly in those sectors in which large numbers of women were traditionally employed.

7. Ms. CORTI asked whether there was discrimination in the private sector against women who were hourly wage earners and if so what steps the Ministry of Labour envisaged to put an end to such discrimination. She wondered whether there had been resistance to the implementation of the principle of equal pay for equal work, whether sexual harassment on the job was prevalent and what legislation was in force or envisaged to combat it. She wished to know, further, whether there were differences in the paid vacation entitlements of men and women in the public and private sectors and why special leave was granted only to private sector workers. She would also welcome an explanation of the difference in the parental leave entitlement for private and public sector workers and information on the steps that were being taken to eliminate those discrepancies.

8. Ms. FERRER said that the high statistical incidence of female unemployment was probably accounted for in some degree by the fact that part-time workers, a large number of whom were women, were defined as unemployed. On the subject of equal pay for equal work, it would appear from the figures given in the two reports of Luxembourg that the wages earned by women in the private sector as a proportion of that earned by men had declined in recent years. It would be helpful if information could be provided on the measures that were being taken to correct that situation. She would also welcome an explanation of why fewer unemployed women than men were registered with public employment agencies and why women remained on the register of employment seekers for longer periods than men. Finally, she wondered what steps were being taken to ensure equality of access for men and women to employment, education, health care and other spheres of national life.

9. Ms. JAVATE DE DIOS noted that the Act of 27 July 1987 provided significant benefits for the parents of a newborn or adopted child. She wondered whether women in Luxembourg availed themselves of benefits under the Act to a greater extent than men. She hoped that in future men would increasingly share the burden of parental responsibility with women.

10. She wished to know whether migrant women in Luxembourg received the same Government support in the areas of education, social and health benefits, employment benefits and labour rights as nationals of Luxembourg. It was not

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clear from the report whether employers were required to provide day-care facilities for their staff. If such a law existed, it would be interesting to know how effectively it was being implemented.

11. With regard to the training of women in technical and scientific fields, she wondered whether efforts were being made to prepare women for jobs in more highly paid sectors. Carefully designed programmes must be put in place, including gender tracking and the setting of specific goals in target sectors, so that the impact of the programmes could be measured over time.

12. Ms. SHALEV noted that the laws governing abortion in Luxembourg were punitive in nature. She wondered whether those laws were enforced in practice and, if they were not enforced, whether it might not be advisable simply to abolish them. She observed that contraceptives were not reimbursed under current health insurance schemes. Since abortion was illegal, it would seem more logical to make contraceptives as widely available as possible. Even in the limited circumstances in which abortion was allowed, however, and where it was included under health insurance coverage, women preferred to travel abroad to terminate their pregnancies. It would be interesting to know the reasons for such a situation.

13. In her view, reproductive health services, including pap smears and infertility therapy, should be part of the primary health care system. There was need for a gender-focused analysis of the health care system since the health needs of men and women were different. Such an analysis should cover the rate of infection of women with the HIV/AIDS virus and provide data on the ages of those infected and the means of infection. She welcomed the establishment of the programme to provide health care services to prostitutes infected by sexually transmitted diseases. She wondered, however, whether health care was provided to victims of domestic violence, who were not always covered under the regular health insurance schemes, and whether health professionals who provided services to the victims of domestic violence received special training.

14. By way of general comment, she noted that the reports were rich in description of legal provisions but suffered from a lack of statistics, which were of great importance to the Committee. She hoped that the delegation would be able to fill in those gaps in its replies to the oral questions.

15. Ms. ABAKA said that, according to Luxembourg's initial report, between 1978 and 1988 mortality due to breast cancer had increased by 34.6 per cent. The report further stated that only 35 per cent of the women who had been invited to participate in a programme to screen women for breast cancer using mammography were doing so. There was a need to demystify breast cancer and make women aware of the need for early detection. The report did not give a clear picture of Luxembourg's health policy, especially with respect to women's health and reproductive rights, nor did it mention the 1994 International Conference on Population and Development.

16. The report stated that, while abortion was still banned in principle, it was punishable only by a fine, and she wished to know who was fined: the woman or the doctor who performed the abortion? It would be useful to have statistics on the number of abortion cases that had been brought before the courts.

According to the report, the ban on abortion was softened by article 1 of the Act of 15 November 1978, which stated that "where [the woman] is acting under the influence of special distress, there shall be no violation", and she wished to know who determined whether or not the woman was in distress. It was unfortunate that there were no figures regarding the number of abortions performed in Luxembourg, since the Committee needed statistics in order to analyse trends; it was also very important to keep such statistics in the interests of medicine and science, even if they were not required by law.

17. She wished to know why a doctor's prescription was needed in order to obtain contraceptives. She noted that the proportion of births to mothers under 20 years of age had dropped from 7.8 (1968-1971) to 2.8 (1989-1991) per 100 births. That was a very healthy trend, and the Government of Luxembourg should provide detailed information on how such positive results had been achieved.

18. The report stated that there were no large-scale activities in the area of HIV/AIDS prevention that targeted only women. In that regard, she drew the attention of the Government of Luxembourg to the Committee's general recommendation No. 15, which dealt with HIV/AIDS and its repercussions on women. She hoped that Luxembourg's next report would contain more information on that important health issue.

19. It would be useful to have disaggregated statistics on the number of doctors, dental surgeons and pharmacists in Luxembourg. She requested statistics on work-related accidents and diseases among women, and the health needs of migrant women. It was important to address the issue of drug addiction among women and to provide information on measures to prevent and combat such addiction.

20. Ms. GONZALEZ said that, according to the report, it seemed that the only causes of mortality among women were breast and cervical cancer, and she requested the representative of Luxembourg to provide information on other causes of mortality among mothers and women in general. She wished to know what measures had been taken or were contemplated to combat HIV/AIDS, and what were the most common sources of infection. The initial report referred to annexes dealing with HIV infection among women, and she wished to know where those annexes could he obtained. She inquired why such an advanced country as Luxembourg did not make contraceptives available to the public free of charge, since that would help not only to avoid unwanted pregnancies but also to prevent HIV infection.

21. Ms. FERRER said that, according to the initial report, family benefits were paid to parents in order to compensate them for the expenses resulting from the child or children. She inquired whether there had been any evaluation of the Act of 19 June 1985 concerning family benefits, especially since in practice, in the absence of any instructions to the contrary, benefits were paid to the father. The representative of Luxembourg should indicate whether any inequalities or complaints from women had been registered with regard to the implementation of the Act, and whether single mothers received child-care benefits.

Article 14

22. Ms. OUEDRAOGO said Luxembourg's initial and second periodic reports did not provide sufficient information on the situation of rural women or describe what specific measures or programmes targeting rural women had been implemented. In particular, the Government of Luxembourg should provide statistics on the difference between the income of rural women vis-à-vis that of urban women.

Article 15

23. Ms. GONZALEZ said that the initial report stated that the family home was especially protected and one spouse could not dispose of or mortgage the property or any other real right thereto without the consent of the partner. In that regard, she wished to know whether common-law couples enjoyed the same rights as couples who had been married in church or by a justice of the peace.

Article 16

24. Ms. SHALEV wished to know why a woman could not enter into a new marriage until 300 days had elapsed since her husband's death. It seemed that the purpose of that restriction was to prevent illegitimate children. However, if the woman's new spouse had any doubt as to who was the father of the child, tests to establish paternity could be conducted. In any case, the 300-day waiting period was outdated and too restrictive.

25. The report stated that natural children had the same rights as legitimate children as long as their blood relationship had been legally established. She wished to know how blood relationship was established and whether there had been any problems in that regard. The representative of Luxembourg should provide information on the legal procedures for establishing paternity and also the legal impediments experienced by children whose fathers refused to acknowledge them. She inquired whether there were any sex education programmes that stressed male responsibility.

26. Ms. GONZALEZ said that she had been very surprised to learn that Luxembourg made such a distinction between legitimate and natural children, especially in the light of the adoption of the Convention on the Rights of the Child. She suggested that the representative of Luxembourg should encourage legislative reform with a view to abolishing that distinction. The report stated that, under article 334.2 of the Civil Code, "a natural child shall take the surname of the parent with whom his affiliation was first established", and she inquired whether it was possible that two persons could claim paternity of the child and whether that accounted for the Civil Code's emphasis on the parent with whom the child's affiliation was first established. She asked whether a child had to be registered or if it had to be established that the child was the son or daughter of a particular man and woman in order for the child to take the father's family name. She wished to know what the situation would be if a woman wanted the child to use her own family name rather than the father's.

The meeting rose at 4.30 p.m.

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ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventeenth session

SUMMARY RECORD OF THE 340th MEETING

Held at Headquarters, New York,
on Thursday, 10 July 1997, at 10.30 a.m.

Chairperson: Ms. KHAN

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial, second and third periodic reports of Antigua and Barbuda

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97-81642 (E)

The meeting was called to order at 10.55 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial, second and third periodic reports of Antigua and Barbuda (CEDAW/C/ANT/1-3 and supplement to the initial, second and third periodic reports

1. At the invitation of the Chairperson, Ms. Roseau (Antigua and Barbuda) took a place at the Committee table.

2. Ms. ROSEAU (Antigua and Barbuda), before introducing the combined initial, second and third periodic reports of Antigua and Barbuda and the supplement to the initial, second and third reports, offered apologies on behalf of her Government to a fellow State party for inexcusable remarks which had been included in the original submission in reference to article 6, and which should be expunged from the original report.

3. As part of the national machinery for the advancement of women, the Women's Desk had been established in 1981, the year of Antigua and Barbuda's independence. In 1985, it had been upgraded to become the Directorate of Women's Affairs with responsibility for promoting the social, political and economic interests of women and their role in development. The work of the Directorate was guided by the Beijing Platform for Action; its priorities were eliminating violence against women, education and training, eradicating poverty, encouraging more participation by women in the decision-making process, and expansion of health and reproductive health programmes targeted at young women. The Directorate also had plans for the mainstreaming of gender into the development process, and would soon implement a Gender Management System. On its initiative as well, the Government had introduced legal reforms including the Sexual Offences Act of 1995 and the submission of the Domestic Violence Bill.

Articles 1, 2 and 3

4. The Constitution provided protection from discrimination on the grounds of race, sex, origin, political opinion or affiliation, colour and creed, thus effectively giving individuals the right to bring violations before the courts. The Government also intended to introduce an Equal Opportunity Act to implement that constitutional provision. A recent act had provided maternity leave for women in the public sector, although no specific provision in that area existed for the private sector.

Article 5

5. Social and cultural patterns still resulted in the perception that women were limited to a reproductive role, contributing to their relative absence in political leadership. Efforts had been made to reduce sex stereotyping in the educational system, but little progress had been achieved thus far. For

example, few men had become involved in the teaching of family life education courses at the secondary school level, since that was viewed as a woman's responsibility.

6. Violence against women in the form of harassment, abuse, battery and rape, had become a priority issue for Antigua and Barbuda. Very little reporting of domestic violence had taken place until recently, as it was considered "normal" for men to use that strategy to keep women "in line". The Directorate of Women's Affairs was working to sensitize everyone involved in the health, law enforcement and counselling sectors to the issue, and a 24-hour domestic violence hotline was scheduled to open in August 1997. To address the issue from a legislative standpoint, the Government had passed the Sexual Offences Act of 1995 updating existing laws, and would begin consideration of the Protection Against Domestic Violence Bill. The Minister of Culture had also issued a call for calypsonians to use their art form not to degrade women but to promote love and respect for women.

Article 6

7. In Antigua and Barbuda there was no known traffic in women, but the recent rise in the level of prostitution was a cause for concern. Concerted efforts were being made by the authorities to eliminate such activity.

Article 7

8. At the general election in 1994, women had constituted the majority of voters, but despite that majority, no female had ever been elected to the legislature. The Government was committed to correcting the inequalities in power-sharing and at the highest policy-making levels. Nevertheless, women had been appointed to the positions of President of the Senate and Speaker of the House. Strategies had been initiated to achieve the goal of electing at least one woman candidate at the next general election. The Government had worked closely with the mass media to ensure full coverage of women's issues.

Article 8

9. There was no legal impediment or restriction on women representing Antigua and Barbuda at the international level and participating in the work of international organizations.

Article 9

10. With regard to nationality and citizenship, some legal obstacles still remained to the legal authority of a mother and concerning petitions for divorce, which the Government planned to address in the near future.

Article 10

11. The current system provided compulsory education for all children between the ages of 5 and 16. Scholarship grants for higher education were equally available to male and female applicants. In addition, opportunities existed for

girls and women who had left school or interrupted their studies to continue their education.

Article 12

12. It was the policy of Antigua and Barbuda to provide health care to all its citizens, and the Medical Benefits Scheme subsidized care and medicines for various categories of illness. The health care services provided maternal and child care, including family planning advice, breastfeeding, nutrition education, and pre- and post-natal care. Life expectancy for women had recently increased to 73 years, perhaps owing partly to the ongoing preventive health care measures being promoted through a multisectoral approach.

13. In the light of the growing incidence of HIV/AIDS, the Government had begun a national AIDS programme at the Ministry of Health. Its two main objectives were to prevent HIV transmission and to reduce the impact of HIV on the individual and the family. The programme worked closely with the Planned Parenthood Association and the education unit of the Ministry of Health to disseminate information and provide education through the use of drama, radio and other media.

14. The Government had demonstrated a firm commitment to primary health care, and had taken "health for all by the year 2000" as its mission statement. The New Health Guide 1997 was a compilation of plans and programmes with impact on the national five-year plan for health care. Moreover, ground had recently been broken for the construction of a state-of-the-art hospital, which would include improved maternity and child health facilities.

15. Women in Antigua and Barbuda had equal access to Government benefits. Almost twice as many women as men were employed in the banking sector, although few served at decision-making levels. No differences between men and women existed with regard to access to bank credit or loans, once the banks' lending criteria had been satisfied. Women had been representing the country in international and regional sports meetings, and could fully participate in cultural and other activities of their choice.

16. There were no State-funded social benefit programmes specifically designed for women and families, although recent legislation had created broader opportunities for obtaining State assistance on a merit basis for vocational training and post-secondary education.

17. Women contributed considerably to agricultural development in Antigua and Barbuda, constituting 38 per cent of the country's farmers overall and 53 per cent of the full-time farmers. A network of health clinics was available in rural areas, as were primary and secondary education for children, and all areas were serviced by public utilities. Women farmers were participating in farming organizations, co-operatives and other organizations, and were receiving assistance from the Directorate of Women's Affairs. They also had the same rights to land ownership and access to credit as men. Despite their vital contribution to agricultural production, however, women continued to live and work under adverse conditions; traditions and social preconceptions regarding their roles continued to contribute to some forms of discrimination.

18. Women were accorded full rights as citizens and individuals under the Constitution and laws of Antigua and Barbuda, could vote and hold office, and enjoyed the same status, rights and benefits as men with regard to employment. However, there was a need to strengthen the Labour Code to ensure fair and equal treatment for women in the labour market. Women had full access to the courts, and married women could hold and dispose of property and enter into contracts in their own names.

19. An anomaly in the marriage laws allowing persons to contract marriage while not yet having attained the age of majority remained to be addressed. Marriages could be solemnized by secular or clerical officials or by the Registrar General, and applicants were not subject to any restrictions or distinctions. While it was not uncommon for people to live as unmarried couples, they suffered disadvantages under the law in respect of property rights and division because the law did not recognize spousal equity in community property in such cases. Partners in both marriage and common-law relationships had a duty and responsibility to maintain the children, and married women had equal rights and responsibilities with men with regard to guardianship and custody of children. No female child could be discriminated against with regard to inheritance.

20. Divorce regulations had been considerably relaxed, providing for a single ground of "irretrievable breakdown" and reducing the waiting period from three years to one in cases of constructive desertion. Provision had also been made to allow husbands to be prosecuted for sexual assault if a separation order or agreement existed between the parties at the time of the offence. While there was no national family planning policy in Antigua and Barbuda, women had unhindered access to contraceptive information and items.

21. In conclusion, significant strides had been made in improving the status of women in Antigua and Barbuda. While aware that the achievement of that goal was a gradual process involving all sectors of society, the Government was strongly committed to working towards the elimination of all forms of discrimination against women and to redressing inequities in power-sharing at the highest policy-making levels.

22. Ms. BERNARD said that the report had made clear that the status of women in Antigua and Barbuda was improving. She noted that Antigua and Barbuda resembled other countries in the region in that tourism was its main industry and provided the most employment opportunities for women. The country's laws were also developing in a direction similar to those of its neighbours, as illustrated by the domestic violence bill recently introduced in its legislature. She congratulated the Government of Antigua and Barbuda on having submitted its initial report and clarifications, and on having ratified the Convention without reservations.

23. Ms. SINEGEORGIS said that the additional materials and the presentation provided by the Government of Antigua and Barbuda had rectified omissions in the initial document, and she congratulated the Government on its efforts to implement fully the human rights of women and the provisions of the Convention.

24. Ms. JAVATE DE DIOS expressed appreciation for the concise and frank presentation of the Government's strong commitment to implementing the

provisions of the Convention and the Platform for Action of the Fourth World Conference on Women. She noted that the mandate and functions of the Directorate for Women's Affairs had been expanded since the Fourth World Conference on Women in 1995, and asked if the Directorate had access to sufficient personnel and financial resources. She also asked if the Directorate was an implementing agency, how it interacted with other Government ministries and planning and development units, how it promoted policies at the local level, and how it pursued contact with non-governmental organizations.

Article 2

25. Ms. HARTONO said that, as a developing country, Antigua and Barbuda had to cope with many problems, including limited human resources.

26. She asked how many chambers there were in the legislature; whether the judiciary had two or three and whether it was structured on the model of the United Kingdom; and whether there were also customary courts and, if so, whether there were differences in applicable law.

27. Ms. AOUIJ asked whether the Directorate of Women's Affairs had any quantitative targets, especially in the political and decision-making sphere, and also in such areas as education and vocational training, including tourism. She also wished to know whether the Directorate had achieved any specific results in the fields of interest to the Committee.

28. She would appreciate further information about the composition of civil society, and about the role of non-governmental organizations and the degree of coordination with the Directorate of Women's Affairs.

29. She would like to know whether the church had an influence on the development of women's rights, especially in matrimonial and family law, whether it took a position on such matters as abortion, teenage pregnancy and domestic violence, and whether it contributed to the advancement of women, or held them back.

Article 3

30. Ms. BERNARD asked whether the Equal Opportunity Act dealt only with discrimination against women in the workplace or was concerned with discrimination in general. She requested further information on the Divorce Act and asked whether it provided for orders of maintenance, child custody and the disposition of property acquired during the marriage.

31. Ms. OUEDRAOGO said that the report indicated that the Directorate of Women's Affairs was within the Prime Minister's office, but it was much more effective to have an autonomous minister for women's affairs. Moreover, a directorate only made proposals and did not have decision-making power. Since five women currently held senior posts in Antigua and Barbuda, an opportunity existed to accelerate reforms.

32. She asked how the Directorate of Women's Affairs was structured and what resources it had, and whether women's associations and non-governmental

organizations were involved in the Advisory Board. She also inquired whether the Advisory Board had any technical committees to deal with the multisectoral dimensions of the issues of the advancement of women.

33. Ms. FERRER requested further information about the objectives, functions and priorities of the Directorate of Women's Affairs, and whether it had the necessary staff and budget to carry out its tasks; and about the membership and functions of the Advisory Board, and the issues it considered.

34. It was not clear whether the National Action Plan For Women In Development was a plan of action of the Directorate of Women's Affairs or a Government plan of action to implement the Beijing Platform for Action.

35. She would welcome information on the membership and objectives of the Coordinating Council of Women, and about mechanisms for consultation between the Directorate of Women's Affairs and the Coordinating Council.

Article 4

36. Ms. GONZALEZ said that the supplement to the initial, second and third periodic reports indicated that the national five-year development plan included a component on women, but that the concerns of women had not been fully integrated into the overall plan. She asked whether that meant that there were no specific strategies or projects for women in the plan. She also asked for further information on the additional responsibilities of the national machinery as the lead agency to coordinate plans and programmes for the integration of gender into Government policies and programmes.

Article 5

37. Ms. FERRER asked whether the Government of Antigua and Barbuda was planning to introduce non-sexist education programmes in the school system. It was very significant that many women worked as teachers at all levels of education and some were directors of educational institutions. She asked whether any type of training in gender-awareness was provided to them; such training would offer the possibility of directly influencing changes in perceptions.

38. The report made no reference to the mass media, which could also have an enormous influence on changes in perceptions. Emphasis must be placed on the importance of education about the family and about the joint responsibility of men and women for household work and child rearing, since attitudes within the family contributed greatly to problems at the level of society. In that connection, the report referred to the limitations faced by women because of their domestic tasks as if those tasks were their sole responsibility. She requested further information on the family life education programmes referred to in the supplementary to the reports, and on any programmes that were being carried out at the community level through the Department of Women's Affairs or non-governmental organizations to encourage women to reflect on the issues arising under article 5 of the Convention.

39. Ms. CORTI said that only systematic educational efforts could change the attitudes that gave rise to the widespread violence against women in Antigua and

Barbuda, since the report indicated that men accepted such acts as sexual harassment, sexual abuse, battery and rape as normal behaviour. She asked whether the 24-hour domestic violence hotline had been set up and how it was to be organized and financed. In particular, she wondered whether it would be staffed by volunteers or specialists. She also wanted information on whether the Sexual Offences Act 1995 was already being implemented, on the number of cases to which it had been applied and on its degree of success in helping to solve the problems of women victims of violence.

40. She asked how the Government was using the mass media to help combat stereotyped images of women, how many women worked in the public or private media and how the Directorate of Women's Affairs was mobilizing them to change the portrayal of women in the media, especially on television. Lastly, given that many Governments specifically earmarked part of their development assistance for women's issues, she wondered whether Antigua and Barbuda had requested such assistance to help speed up the implementation of its policies for women.

41. Ms. GONZALEZ said that she supported the suggestions of Ms. Ferrer and Ms. Corti on the prevention of violence against women. Education was essential not only in that context, but also as a means of expanding women's role in politics by teaching girls to assume new roles in society and teaching boys to accept those roles. She asked for information on the incidence and nature of physical and psychological violence against children, especially girls, and wondered whether people in Antigua and Barbuda were conditioned from childhood to see violence as socially acceptable. Although the report pointed out that most women victims of violence were economically and psychologically dependent on the perpetrators, it also indicated that 58.5 per cent of the nation's households were headed by women. She wondered whether violence against women was also common in such households.

42. Ms. JAVATE DE DIOS asked for a more detailed description of the family life education programmes being carried out in Antigua and Barbuda, and specifically whether they addressed the issue of gender roles and expectations, and why so few men chose to participate in them. She applauded the programmes, legislation and sensitization campaigns being implemented to combat violence against women; however, research on such violence was needed to determine its root causes and consequences and to serve in the design of intervention programmes.

43. She asked for clarification of how calypso, as an art form, was currently used to perpetuate sexual stereotypes, and how the Government saw culture, and particularly calypso, as a vehicle for promoting positive change. Lastly, in view of the widespread portrayal of women as sex objects on the Internet, she asked whether that medium had been used to promote Antigua and Barbuda as a destination for sex tourism.

Article 6

44. Ms. BUSTELO GARCÍA DEL REAL requested information on the effect of the new legislation on prostitution (number of men arrested and penalized per year and whether prostitution had increased or decreased). She also asked whether any prostitution network in Antigua and Barbuda had been linked to international

networks of trafficking in persons. Lastly, she asked for information on the age and nationality of prostitutes and on whether they were entitled to benefit from public health services.

45. Ms. LIN Shangzhen said that Antigua and Barbuda's attempts to halt prostitution had been thwarted by the economy's reliance on tourism, which often gave rise to prostitution. The authorities must make sustained long-term efforts to stop the phenomenon, since it brought only physical and moral harm and degradation to women.

Article 7

46. Ms. BERNARD said that, in many Caribbean countries, women formed the backbone of the electorate but were nearly absent from legislative bodies; Antigua and Barbuda clearly followed that trend. She asked whether the Directorate of Women's Affairs had developed a programme to encourage women to assume decision-making roles not only in the public sector, but also in the private sector as managers, and in the judiciary.

47. Ms. CORTI asked whether the President of the Senate and the Speaker of the House, both of whom were women, had been appointed to their posts, since the report indicated that no woman had ever been elected to Parliament. She also asked for details on the country's strategies and plans of action for achieving the election of women to public office. Women must be convinced that it was in their interest to vote for female candidates, who were more sensitive to the issues of concern to them. All possible assistance, including the mass media, must be enlisted to achieve that goal.

48. Ms. GONZALEZ asked why the Speaker of the House had been appointed instead of elected. She supported Ms. Corti's remarks on the need to encourage women to run for public office, since the report indicated that most women were currently unwilling to do so owing to their household responsibilities and their distorted perceptions of politics.

Article 8

49. Ms. GONZALEZ wished to know what posts were held by women who were posted abroad in embassies, consulates and international organizations, and by women in the Ministry of Foreign Affairs within Antigua and Barbuda.

The meeting rose at 1 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

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CEDAW/C/SR.341
27 March 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventeenth session

SUMMARY RECORD OF THE 341st MEETING

Held at Headquarters, New York,
on Thursday, 10 July 1997, at 3 p.m.

Chairperson: Ms. KHAN

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial, second and third periodic reports of Antigua and Barbuda

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference and Support Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

97-81648 (E)

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Combined initial, second and third periodic reports of Antigua and Barbuda (CEDAW/C/ANT/1-3) and supplement to the initial, second and third periodic reports (continued)

Article 7

1. At the invitation of the Chairperson, Ms. Roseau (Antigua and Barbuda) took a place at the Committee table.

2. The CHAIRPERSON said that, given the large number of women appointed to high political office in the State party, it was surprising that women had never been elected to the legislature. She wished to know whether women had ever been nominated for legislative positions, and whether non-governmental organizations or political parties had pressed for such nominations. She also inquired whether the Government had sought to establish a quota for women in decision-making and political posts, in accordance with article 4 of the Convention.

Article 10

3. Ms. BERNARD requested further information concerning the high school drop-out rate for girls. She wondered whether the increasing problem of teenage pregnancies in the Caribbean was one reason for that high rate and if so, how prevalent the problem was and what was being done to reverse the trend. She also asked whether there were further reasons.

4. Ms. HARTONO said that she would welcome details concerning the curriculum of the University of the West Indies School of Continuing Studies and wished to know whether its graduates had moved on to decision-making posts in politics or government and to managerial posts in private companies. She wondered whether, in reality, a double standard was applied to the education of boys and girls or whether parents did in fact bring up their children to believe that boys, too, should perform household chores. Lastly, she asked what image of women was being portrayed on television, and whether negative stereotypes were being perpetuated.

5. Ms. FERRER wished to know whether adult literacy programmes existed and whether women had opportunities for continuing education. She would welcome details concerning the enrolment of girls at the pre-primary school level and inquired whether efforts were being made to counter cultural traditions which discouraged families from sending girls to school. With regard to higher education, she wished to know whether vocational training was available to women to prepare them for careers normally entered by men. She also requested further information regarding courses in the tourist industry and the extent to which girls could choose their careers.

6. Ms. JAVATE DE DIOS observed that women tended to be clustered in lower-level jobs. She wondered whether, at the secondary school and university levels, any programmes existed to enable women to broaden their expectations in life, for example, through women's studies and gender studies programmes. She wished to know what specific steps were being taken to develop positive attitudes among boys and girls with regard to equality between the sexes.

7. Ms. Yung Chung KIM said that she would appreciate sex-disaggregated figures for the literacy rate of 88.7 per cent. She wished to know whether there were more girls than boys among the students who remained in school up to the age of 20. It was encouraging that women accounted for a very high percentage of students enrolled at the college level. However, many of those women selected subjects traditionally deemed suitable for women. From the earliest levels of education, females should receive systematic guidance to counter the traditional stereotypes of men's and women's roles, a step which her own country was taking.

8. The CHAIRPERSON inquired whether compulsory education for children ages 5 to 16 was totally free and wished to know the percentage of girls and boys attending primary and secondary schools.

Article 11

9. Ms. FERRER asked whether women were eligible for retirement benefits and if so, at what age, and whether women truly received equal pay for work equal to that performed by men. She also inquired whether the State party had ratified ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value. Lastly, she wished to know whether the Directorate of Women's Affairs planned to offer training sessions to provide women with skills that would enable them to enjoy access to jobs offering higher pay and increased respect and responsibility.

10. Ms. JAVATE DE DIOS asked what was being done to enable women in the hotel industry to diversify their skills so that they could occupy higher positions in that industry. She welcomed the fact that child care services were available to employed as well as unemployed mothers and wished to know the extent to which such facilities were subsidized by the State and whether the subsidies formed a component of a permanent programme. Lastly, she would appreciate receiving a more complete picture of how women participated in labour unions.

Article 12

11. Ms. ABAKA suggested that the Government should add AIDS to the list of chronic diseases for which subsidized medical care was provided. She noted that early detection of sickle-cell anaemia could greatly facilitate treatment, and she offered to share her country's experience in that regard. She drew the State party's attention to the fact that the Committee's general recommendations 12 and 19 concerning violence against women applied to article 12. The Committee should be informed of the impact of violence on the health of women, including their mental health. Since article 12 also related to the role of women as health care providers, the Committee should be informed of the number of female doctors, pharmacists, nurses and other major health professionals. Information also should be provided on the incidence of work accidents and

work-related diseases among women and on the health needs of migrant women. She also requested information on programmes to prevent and combat drug addiction.

12. She had been very pleased to learn from other sources that the fertility rate in Antigua and Barbuda had declined. Such a decline had multiple positive effects on society. As infant mortality declined, females stayed in school longer, their overall status improved and they did not become dependent on their children in their later years. She was keenly aware of the negative effect on women of an overemphasis on childbearing, and she wished to know what the State party had done to bring about the decline in its national fertility rate.

13. Ms. SHALEV said that the analysis provided in the oral presentation by the representative of the State party made it easier to understand the health status of women in that country. In order to clarify the relation between the medical benefits scheme and the health care services providing maternal and child care facilities, the State party should indicate whether the scheme and services were separate or integrated, and whether one was public and one was private. It was important for any health-care scheme covering routine benefits to include the cost of contraceptives, and failure to do so constituted discrimination against women. She wished to know whether contraceptive services were included in the State party's medical benefits scheme. The information provided indicated that, although abortions were not legal, they were often performed in doctors' offices. She urged the Government to review its position on abortion with a view to removing any penal provisions which made it a crime for women to control their own fertility and for medical providers to assist them.

14. The representative of the State party had noted that perinatal mortality rates were relatively high, notwithstanding the numerous services available to pregnant women and the high quality of midwifery services. Such tragedies were not unusual where abortion was unsafe or illegal, a fact which underscored how important it was for the Government to review its abortion laws. As to the maternal mortality rates reported in document CEDAW/C/ANT/1-3, she wished to know why the rate in 1991 had been so much higher than in the other years for which the rate had been indicated.

15. The additional information supplied concerning HIV/AIDS suggested that women were increasingly at risk for AIDS, and she asked what was being done to address that problem. It would be interesting to learn the response of the Health Department to violence against women. It was very important to train health care professionals to identify cases of domestic violence and care for victims of such violence. She also wondered whether victims of violence were covered by the medical benefits scheme. Lastly, she inquired whether any programmes were in place for the early detection and treatment of breast and uterine cancer.

Article 14

16. Ms. OUEDRAOGO said that rural women, especially those in developing countries, were victims both of the structural discrimination that existed in the society at large and of the difficult conditions in the rural environment in which they lived. The school drop-out and fertility rates for such women were usually high, and deep-seated cultural stereotypes were additional obstacles to

their advancement. She therefore wondered whether the Government of Antigua and Barbuda was considering any media and information programmes targeted at rural women and young girls and aimed at overcoming some of the disadvantages which she had just described.

17. Ms. CORTI noted that, although 53 per cent of all full-time farmers in Antigua were women, the average size of female-owned farms was less than one acre compared to an average of 2.5 acres for male-owned farms. It would be interesting to know the reasons for that discrepancy. In keeping with the Beijing Declaration and Platform for Action, the Directorate of Women's Affairs must make every effort to improve the conditions under which rural women in Antigua and Barbuda lived. She wondered, for example, whether district health clinics in rural communities provided medical attention only in cases of emergency. She would also welcome more detailed information on the nature of the family planning services provided in rural areas.

18. The CHAIRPERSON noted that women farmers in Antigua and Barbuda comprised a significant proportion of the agricultural population, but that the efficiency of their farms was hampered by their small size and the lack of access to loans for capital development and farm equipment. She drew attention to the Grameen Bank in her own country of Bangladesh, which provided small unsecured loans to rural women, and she wondered whether any similar loan schemes existed in Antigua and Barbuda. If not, it would be interesting to know what percentage of women farmers was able to obtain secured loans through the traditional banking system.

Article 16

19. Ms. HARTONO asked whether females had the same rights of inheritance as males and whether women could become legal guardians of their own children. She would also welcome information on the divorce rate and on the enforcement of court decisions awarding alimony.

20. Ms. BERNARD wished to know what legislation was in force to protect women in common-law marriages, especially when such relationships ended. The Caribbean Community (CARICOM) had drafted model legislation in that field, and she wondered whether Antigua and Barbuda had any plans to incorporate that legislation into its domestic law.

The meeting rose at 4.10 p.m.

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventeenth session

SUMMARY RECORD OF THE 342nd MEETING

Held at Headquarters, New York,
on Friday, 11 July 1997, at 10 a.m.

Chairperson: Ms. KHAN

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Namibia (continued)

Report of the pre-session working group

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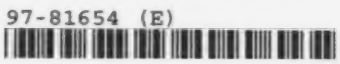

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Namibia (continued) (CEDAW/C/NAM/1)

1. At the invitation of the Chairperson, Ms. Ndaitwah (Namibia) took a place at the Committee table.

2. Ms. NDAITWAH (Namibia) said that she had taken due note of the Committee's useful suggestions and that Namibia's future reports would systematically address the Committee's 22 general recommendations.

Article 2

3. There was no conflict between the Convention on the Elimination of All Forms of Discrimination against Women and the Namibian Constitution; in fact, parts of the Constitution were modelled after the Convention Customary law remained in effect only to the extent that it did not conflict with the Constitution. Customary law had never been challenged on the ground that it violated constitutional guarantees of gender equality. Efforts were under way to reform customary law, particularly in the area of family law and land reform, and a framework for research and reform had been discussed recently. The public was being prepared for such changes through the media, public meetings, hearings and the support of traditional leaders who had come to understand the principle of gender equality.

4. The new Traditional Authorities Act provided for official recognition of traditional leaders and established mechanisms for settling disputes on who was the rightful leader of a specific group. The jurisdiction of traditional courts was governed by statutes inherited from South Africa, which would be replaced by a new law defining their powers and duties. People often preferred to resort to traditional courts because they, unlike civil courts, provided compensation in cases such as stock theft; magistrate's courts were located too far from many rural areas (despite the establishment of new courts since Namibia's independence); and some people still associated civil courts with the former apartheid regime. However, the use of traditional courts had decreased since independence, especially in matters relating to marriage, possibly because most, if not all, judges in traditional courts were men and were considered unlikely to be sympathetic to women's interests.

5. Both women and men might face strong cultural pressure to follow traditional customs, depending on the issue in question. There was no general statute governing the choice between the two legal systems, but efforts were being made to harmonize them on family law issues; for example, the procedure for approaching the magistrate's courts to obtain child support was equally available to women in civil or customary marriages.

6. Three of the members of the Law Reform and Development Commission were women. Women also participated in its work as members of its subcommittees, researchers and participants in consultative meetings. The Commission, whose members were appointed by the President, operated within the Ministry of Justice and could establish subcommittees as necessary. It employed one full-time researcher and drew upon the services of other employees of the Ministry. It also made use of local and international consultants. However, it required more full-time staff to speed up the reform process.

7. Although new legislation was usually proposed by the individual ministries, the Commission could make recommendations to the Minister of Justice; gender issues were its highest priority. Its first report had proposed the Married Persons Equality Act and its second report would address amendments to the Maintenance Act. It was also in the process of preparing reform proposals on rape and domestic violence laws, and establishing a framework for research and reform efforts aimed at harmonizing customary and civil law in the area of family law. Its priorities had been determined partly through consultation with the Government and non-governmental organizations. There was no overall timetable for reform, but target dates could be set for reforms on priority issues such as violence against women; the Parliament would probably require that that reform should be submitted to it within three months.

8. Women's use of the legal system was limited by the high fees of private lawyers and the legal profession's lack of gender sensitivity. Legal aid was available for a wide range of legal actions, and women who wished to challenge discriminatory laws or actions could also obtain free assistance from non-governmental organizations. Moreover, the Ombudsman provided free assistance in cases under that office's jurisdiction. However, there was a need to increase women's awareness of those options. Women could and did represent themselves in court, most often in divorce cases, and married women no longer needed their husband's permission to institute legal action. Since class actions were not allowed under Namibian law, women must act individually in separate cases.

9. With the shift from a women-and-development approach to a gender-and-development approach, the Department of Women Affairs had decided that all its future educational programmes would target both women and men. Although the Government had not yet considered creating the post of gender equality ombudsman, the idea was interesting and would be discussed. She agreed that, ideally, the Ombudsman should be a member of the Gender Network Coordinating Committee; however, it would only be possible to have the Office of the Ombudsman represented on that Committee, since the Ombudsman herself had a very heavy workload owing to the excessive demands that were usually placed on women in senior positions.

10. Although the Office of the Ombudsman could not carry out judicial review in respect of unconstitutional acts, it could initiate legal action to secure a suitable remedy for the complainant. The appointment of a woman as Ombudsman had prompted more women to seek advice from that Office on their rights within marriage. The Office planned to launch a proactive campaign, including an electronic media campaign, to raise women's awareness of its role in supporting their rights, as well as nationwide outreach activities targeting, inter alia,

women's groups and associations. It should be noted that the Ombudsman herself preferred to continue using the term "Ombudsman" (which was not gender-neutral) because it appeared in the Namibian Constitution.

11. The Office of the Ombudsman acted as a watchdog to ensure public-sector compliance with the new laws. The Public Service Commission also played a monitoring role, and several trade unions were active in the public sector.

12. The Department of Women Affairs was represented in the Cabinet but did not yet have a vote. The Department chaired the Gender Network Coordinating Committee and had been represented on the Women and Law Committee. It also participated in committees dealing with gender issues in other ministries and in joint committees with other countries.

13. No national policy had yet been adopted on the implementation of the Beijing Platform for Action. Once the national gender policy had been finalized, a national programme of action incorporating measurable targets would be implemented. Meanwhile, specific programmes were already being carried out.

Article 3

14. Namibia's report had not addressed child labour under article 3 because that issue was dealt with under article 11.

15. The law reform initiative on violence against women covered both sexual offences and domestic violence. Education on gender equality and women's role in development was a key strategy for preventing violence against women.

16. The Combating of Immoral Practices Act, which provided a special defence for young boys who engaged in sexual activity with prostitutes, had been inherited from the pre-independence regime. It would be amended to abolish that special defence, through either the forthcoming legislation on child protection or the reforms to be introduced in the laws on sexual offences.

17. The issue of domestic violence had received attention from a number of non-governmental organizations and women's groups, which had recently opened shelters for women and children and were providing training in counselling for victims and organizing support groups. The Government was committed to maintaining its Women and Child Abuse Centres on a long-term basis, although they would be more effective if more funding were available.

18. Under customary law, widows were sometimes pressured to enter into a marriage with an extended family member, but that was not considered "forced sexual intercourse". Namibia had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provided guarantees protecting women detainees from sexual assault. Rape committed by a person related to a woman was treated in the same manner as any other case of rape.

Article 4

19. Since the policy on affirmative action was not yet in place, targets and time-frames would be spelled out in programmes to be developed by individual Ministries. Proposals for new legislation and enforcement mechanisms were still being finalized.

20. There was no specific policy on granting of credit to women, and no response had been received from non-governmental organizations regarding the draft Communal Land Bill. Maternity protection and benefits were understood to be long-term measures, but they were also viewed as supports to temporary affirmative action measures. Since they were part of a scheme of benefits compulsory for all workers, employers could not argue that it was more expensive to hire women because they received special benefits.

21. Many men and women in leadership positions, including parliamentarians, Ministers, Permanent Secretaries, traditional leaders and church leaders had gone through gender sensitization workshops organized by the Department of Women Affairs.

Article 5

22. The areas where advocacy programmes were needed to combat stereotypes included job stereotypes which perpetuated poverty among women, their disproportionate share of household chores which sometimes caused girls to leave school, and pressure to focus on stereotypes of beauty.

23. Although there had been some public opposition to the Miss Universe pageant, there had been little organized protest from non-governmental organizations. Some had criticized the expenditure involved, although the Government viewed it as an investment in tourism and international publicity for Namibia from which women could also benefit.

24. Despite a certain reticence in Namibian society about the discussion of sexual matters, information about sexually transmitted diseases and HIV/AIDS was openly discussed.

Article 6

25. The process of reforming the law on prostitution had not yet begun, and the moratorium on prosecution had made the issue somewhat less urgent. Prostitution was not an accepted practice under customary law. Any research on prostitution would probably be undertaken in conjunction with the law reform initiative. Information about sexually transmitted diseases was widely available, as was free contraception, to anyone in Namibia, including prostitutes. Since prostitution was not conducted openly, little or no data was available about illegal abortion among prostitutes, its prevalence among immigrant and refugee women, and about the male clients of prostitutes. There were a variety of income-generating programmes for women, though none were aimed specifically at prostitutes. No data on child prostitution was available, although efforts to get street children back into school should help to prevent it.

26. Although no statistics on intercountry adoption were available, social workers reported that they were extremely rare.

Article 7

27. The experiment with affirmative action for women in traditional authorities had not been repeated outside the Uukwambi area, and no follow-up information on its effectiveness was available. There were no special measures currently in place to promote women in the legal profession, but that profession in general was lacking gender sensitivity and the Department would look into the possibility.

28. In the public services, as at 31 March 1996, women constituted 17.2 per cent of management, as compared to 82.8 per cent men. Statistics for women in management in the private sector were not available. The Namibian Defence Force had not provided any statistics on women in the military.

29. Women in decision-making positions in Government had done much to promote the concerns of women. For example, the affirmative action provisions in the Local Authorities Act had been included because the Minister at the time it was passed was a woman. Currently, over 30 per cent of Local Authority Councillors were women. The woman Ombudsman had also made a major impact through her clear plan for outreach to women. Women in the Cabinet had also appointed several other women to the boards of parastatal enterprises. The newly formed Parliamentary Women's Caucus intended to give women access to Parliament in order to bring gender issues before it for debate and to ensure that the gender dimension was considered in all laws enacted.

30. Only the right to vote, to hold office, to form and join political parties and to engage in peaceful political activity were limited to citizens of Namibia; all other human rights and fundamental freedoms applied to all. Honorary citizens had the same rights as all other citizens - the first among them had been Mr. Marrtti Ahtisaari, former United Nations Special Representative for Namibia, who had overseen the 1989 elections.

31. Some women in the media had been able to use their positions effectively to promote a broader view of women, and the creation of the Women and Media Association had helped to raise awareness. The television coverage of the Namibian delegation to the Beijing Conference had also had a tremendous impact.

32. Under the Constitution, the six presidential appointees to the National Assembly were non-voting members. Men still dominated among elected officials because women had obtained full voting rights less than a decade earlier, after more than a century of exclusion from the electorate. It would take hard work to change attitudes through education, and to affect the male-dominated party structures through which most individuals entered the political arena. Women currently held ministerial posts in the Ministry of Health and Social Services, the Ministry of Land, Resettlement and Rehabilitation, the Department of Women Affairs and the National Planning Commission, a constitutional post with responsibility for developing the overall economic plan and allocating the capital budget.

33. At the University of Namibia, in 1995 only one of six members of the law faculty was a woman and there was only one woman dean. Women were under-represented in decision-making in the private sector because of the culture of both the black and white communities, which kept women "in the kitchen". Before the enactment of the Married Persons Equality Act, which had removed one barrier, married women could not become directors of companies without the consent of their husbands, which had some effect on their overall participation in that sector.

34. The initial local government elections had been held on a party-list basis. The initial plan had been for the second and subsequent elections to be held on a constituency basis to encourage accountability. However, Parliament had recently extended the party-list system and the affirmative action provisions for one more election, which should be sufficient to give women a stronger foothold in local government. Against that background the South West Africa People's Organization had decided to introduce a "zebra" list - half women, half men - in the forthcoming elections.

Article 8

35. Gender training was not part of the training of Namibian diplomats, but the matter would be taken up by the Department of Women Affairs. The Department also noted the suggestion that the CEDAW report should be required reading for all members of the foreign service; the report should in fact also be required reading for civil servants in senior positions. The Department would check on the adequacy of gender information in other reports submitted by Namibia under human rights conventions.

36. The position of "third secretary" in Namibia's foreign missions was a clerical post, but a number of the women who had served in it had since been promoted. Not counting that post, there was still a high percentage of women in middle-management positions in Namibia's foreign missions.

37. There were no gender-based distinctions in respect of citizenship, nor were there special citizenship provisions for refugees. Namibia had ratified the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1951 United Nations Convention relating to the Status of Refugees, and was complying with the provisions of those instruments.

Article 10

38. Well-established programmes in nursing, teaching and social work explained the greater number of women than men enrolled at the University of Namibia, as those fields were popular career options for young women in Namibia. Business and administrative courses were also beginning to attract more women. Programmes also existed to encourage parents to reduce the family workload for both boys and girls in order to allow them to stay in school.

Article 11

39. There was no minimum wage in the agricultural sector, although the option of instituting one was currently being considered. Communities were being encouraged to provide childcare services, with the assistance of the Ministry of Basic Education and Culture; the lack of such facilities was sometimes an obstacle, although women did not always use them even when available. Women still faced discrimination from employers in job interviews if they revealed an intention to become pregnant. The Government and several non-governmental organizations were addressing the problem of weak enforcement of the Labour Act in the domestic work sector, which was due to the isolation and perceived low skill level of the women who predominated in it.

40. While wages were equal for men and women at the same job level, women were under-represented at the higher levels. As part of the follow-up to the Fourth World Conference on Women, career guidance practices in the schools were being re-examined with a view to enhancing women's career development, and teachers would be trained to be more sensitive to the needs of the girl child. Proposed affirmative action policies would require employers to keep detailed gender statistics on their workforces, and the National Planning Commission was publishing key gender statistics on a regular basis.

Article 12

41. The health section of the report had focused on maternal and reproductive health issues to the exclusion of other health issues affecting women, which reflected a shortcoming in the preparation of the report rather than a lack of gender-disaggregated information on other issues or a lack of gender sensitivity.

42. Tuberculosis, while a controllable disease, had become a major cause of death owing to the proliferation of HIV/AIDS, overcrowding, malnutrition and alcoholism that were directly connected with the massive influx of rural populations into urban areas. Of a total of 499 tuberculosis deaths in 1995, 177 had been of women, and 208 women had died of the disease out of a total toll of 604 in 1996. In the area of the nutritional status of males and females, information was available only for children under 5 for 1992; boys had slightly higher rates of stunting, wasting and being underweight than did girls.

43. To help young girls avoid teenage pregnancy, population education was being integrated into school curricula with the assistance of the United Nations Population Fund (UNFPA) although no information was currently available on programme content. Nor were statistics or information available on maternal mortality rates by age, anaemia incidence by sex, or the most common causes of death by sex, but the 1992 rates of infant mortality per thousand live births were 66.6 for males and 56.6 for females. While some communities exhibited a strong cultural preference for sons, others appeared to prefer daughters; there were no incidences of abortion for sex selection. No formal research had been conducted on the causes of illegal abortion, but teenage pregnancy, shame, fear of parental reaction, peer pressure and financial constraints were known to be contributing factors. The Department also had no information on the relationship of child mortality to polygamy.

Article 14

44. Loans and grants were available to rural women from a variety of sources including the Department of Women Affairs; no spousal consent was needed for such assistance. Preferential rates were not available for women, although the Department was looking into small-scale credit programmes for women through the establishment of a Gender Development Fund.

Article 16

45. The impression given by the report of high rates of polygamy in Namibia despite the predominance of Christianity had been based on unreliable statistics, which the Department intended to re-examine. However, it was clear that the influence of traditional culture in that regard was stronger than that of the Christian churches, which in any case had not placed any strong emphasis on polygamy. A 1992 legislative resolution designed to protect widows had met with strong resistance, and it was hoped that a new inheritance law would have greater impact. The Government was committed to implementing the provisions of the Convention regarding the registration of customary marriages, but could not do so until adequate research had been carried out. Likewise, equalizing the rights of husbands and wives in customary marriages under the Married Persons Equality Act would also require research; the Act did not specifically address polygamy. Polygamy was a sensitive issue in Namibia because of its traditional connection with the culture and because some of those who practised it were respected traditional community leaders; the Government was obliged to handle the issue carefully so as not to jeopardize its ability to effect change in overall community attitudes towards gender equality.

46. Ms. GONZALEZ expressed her gratitude for the high degree of thoroughness and clarity that had characterized both the report and the Namibian representative's responses to the Committee's questions, and said that she had been very encouraged to see the serious approach taken by the Namibian Government to the matter of the advancement of women.

47. Ms. SINEGIORGIS said that she too had been highly impressed by the report and by the presentation of the responses to the Committee's questions, and looked forward to receiving the second periodic report of Namibia for that reason.

48. Ms. CORTI said that it was very important for the Committee to see the progress made by women in a new, independent country and the political will that was being demonstrated. She hoped that all the committee's suggestions for the full implementation of the Convention would be transmitted to the bodies dealing with women's issues.

49. Ms. ABAKA said that it was commendable that the representative of Namibia had responded to almost all the questions posed, and had given satisfactory reasons for not being able to respond to the remaining questions.

50. She hoped that Namibia would maintain its traditional courts, since there was much respect for traditional rulers and the rulings of traditional courts

were sometimes taken more seriously than those of ordinary courts; they were also far less expensive.

51. Although she understood the explanation given as to why the Department of Women Affairs was not entitled to vote in the Cabinet, she felt that voting rights should be sought for the Department, which could not simply have token representation in the Cabinet.

52. Ms. FERRER said that the replies given by the representative of Namibia provided a very broad picture of the situation in that country. Since women had participated actively in the freedom struggle, they would no doubt participate actively in the new stage of struggle in all areas of national life. It was encouraging that the Government of Namibia, and the Department of Women Affairs in particular, were very serious about the advancement of women; it was to be hoped that traditional cultural patterns would change and women would continue to progress, in implementation of the national plan of action.

53. Ms. BERNARD expressed admiration for the replies given by the representative of Namibia. Namibian women had accomplished a great deal in a short space of time and that augured well for the future of Namibia.

54. Ms. NDAITWAH (Namibia) said that the question of cooperation with non-governmental organizations had come up several times, and could be answered by a member of a non-governmental organization.

55. Ms. HUBBARD (Legal Assistance Centre) said that there had been excellent cooperation between the Government of Namibia and non-governmental organizations in preparing the report. The level of cooperation, discussion and debate with non-governmental organizations was a very great asset for Namibia and for democracy in Namibia.

56. The CHAIRPERSON said that the committee was appreciative that, after a long struggle for independence and despite constraints, Namibia had ratified the Convention without any reservations and fulfilled its obligation by submitting a detailed report. It had introduced temporary special measures to establish equality for women in some critical areas, increasing their visibility in the public sector, and had worked to replace discriminatory laws with gender-sensitive laws. Since culture and traditions influenced the operation of law, further efforts should be made to strengthen advocacy and increase awareness among the population. Additional and more specific information should be provided in the next report about critical areas of concern such as violence against women and prostitution. She hoped that the Committee's concluding comments would be widely disseminated in Namibia.

57. Ms. Ndaitwah (Namibia) withdrew.

Report of the pre-session working group (CEDAW/C/1997/II/CRP.1 and Add.1-4)

58. Ms. JAVATE DE DIOS, Chairperson of the pre-session working group, recalled that at its sixteenth session, the Committee had decided that four members, representing the different regions, would participate in the pre-session working group. Ms. Aouij, the member from Africa, had been unable to attend, and no

other member from Africa had been available. The pre-session working group was required to prepare lists of issues and questions with respect to the reports of four States parties to be sent to the Governments of Argentina, Australia, Bangladesh and Italy.

59. The pre-session working group had operated under a number of constraints, including the fact that it met for only four days instead of five because of a public holiday, the presence of only three members, and the late receipt of the third periodic report of Italy. The pre-session working group had indicated to the Government of Italy that the questions derived only from the members of the working group and other questions would have to be fielded from the floor.

60. Despite the time pressure the pre-session working group had had intense and full debates; for the first time it had been required to formulate a limited number of strategic questions focusing in greater depth upon issues of particular interest or concern.

61. The pre-session working group had noted that the reports reviewed revealed that significant gains had been made; however, it was disappointed that those countries with substantive reservations had maintained those reservations, and was concerned about the persistence of some phenomena.

62. The pre-session working group had found that the third periodic report of Australia was very similar to the previous report, and had therefore expressed its disappointment that the report was outdated and did not provide updated statistical information.

63. Ms. AOUIJ said that she had not received an invitation from the Division for the Advancement of Women to participate in the pre-session working group. It was therefore incorrect to say that she had been unable to attend.

64. Ms. CONNORS (Chief of the Women's Rights Unit, Division for the Advancement of Women) said that, at the end of the sixteenth session, there had been some confusion as to who had been selected to represent Africa in the pre-session working group. The Division had been under the impression that Ms. Ouedraogo had been selected, and had contacted her; when it had discovered the error, it had contacted Ms. Aouij, but, with communications difficulties, it had then been too late to find another member from Africa. She apologized to the Committee.

65. Ms. OUEDRAOGO said that she had indeed been contacted by the Division, and had communicated with Ms. Aouij; it was important for the Division to contact the participants in good time.

66. Ms. SINEGIORGIS said that a change must be made to paragraph 2 of document CEDAW/C/1997/II/CRP.1 to reflect what had actually happened.

67. The CHAIRPERSON said that she took it that the Committee wished to take note of the report of the pre-session working group, subject to such an amendment.

68. It was so decided.

The meeting rose at 1.00 p.m.

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Seventeenth session

SUMMARY RECORD OF THE 343rd MEETING

Held at Headquarters, New York,
on Friday, 11 July 1997, at 3 p.m.

Chairperson: Ms. KHAN

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97-81660 (E)

The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second periodic reports of Luxembourg (continued) (CEDAW/C/LUX/1 and CEDAW/C/LUX/2)

1. At the invitation of the Chairperson, Ms. Ecker and Mrs. Mulheims (Luxembourg) took places at the Committee table.

2. Mrs. MULHEIM (Luxembourg), in reply to questions put by members of the Committee, said that measures were being taken to withdraw the two reservations which the Government had entered when ratifying the Convention on the Elimination of All Forms of Discrimination against Women. She agreed that the system was contrary to the principle of equality of men and women because, in the case of legitimate children, only the father's surname could be transmitted. Furthermore, it penalized married couples, as unmarried parents could choose the surname of their child or children.

3. The Ministry for the Advancement of Women was taking steps to distribute a handbook on the Convention among young people to help change attitudes and to make girls and young women aware of their rights in all spheres. The policy to promote women's rights also sought to stimulate discussion on the stereotyped roles traditionally assigned to women and men; in particular, that of women within the family.

4. Mainstreaming was a priority of the Plan of Action 2000. The current spheres of activity were education, training, employment, development cooperation, youth and sustainable development. The major objective of the Beijing Platform for Action was the empowerment of women. The Plan of Action 2000 had the same objective and established short-term, medium-term and long-term actions. It should be considered an instrument to integrate the principle of equality into all policies, including those pertaining to the economy, finance and health. All dossiers submitted to the Cabinet were transmitted to the recently formed Ministry for the Advancement of Women, whose job it was to integrate a woman's perspective into the dossiers and also to analyse the impact on the status of women of proposed laws and actions.

Article 1

5. Ms. ECKER (Luxembourg), referring to the status of women within the European Union, said that the Government had endeavoured to have the principle of equal opportunities included in the revisions to the Treaty of Maastricht. Despite its efforts, the Treaty of Amsterdam signed on 19 June 1997 only partially reflected its demands. However, the issues of equal opportunities and basic rights for women would be reviewed within the framework of the expansion of the European Union and in the discussions on employment. Moreover, the Prime Minister, who currently held the Presidency of the Council of Ministers of the European Union on behalf of Luxembourg, would be informed of the Committee's

request to the effect that the Convention should be widely publicized within the countries of the Union and should form part of the basic body of legal principles uniting them.

Article 2

6. Compulsory military service had been abolished in 1967. Prior to 1986, women had been barred from volunteering for military service and hence had been excluded not only from following a military career but also from access to certain categories of employment reserved for army volunteers. That situation had been reversed in 1986 by an Act which modified the organization of the military.

7. In answer to the Committee's questions on demographic statistics, she referred members to a publication included in the annexes. As to why there were so few women in the workplace, she agreed that there was a contradiction in the initial report which needed to be resolved. Women tended to abandon the workplace to take care of their children, as salaries in Luxembourg were high enough to allow a couple to subsist on one salary.

8. Luxembourg's next report would endeavour to reply to the question of the valuation of unpaid work. At present, the Ministry's main objective was to build awareness of the principle of equality of the sexes, and it was conducting a project aimed at pre-school children, parents and teachers and at instructors, union officials and employers.

9. Grounds for divorce included serious abuse, physical cruelty or bodily harm inflicted by one spouse on the other. Although adultery, in itself, was no longer an automatic ground for divorce, it could still be viewed as an offence which made marital relations intolerable.

10. The Luxembourg Civil Code provided that each spouse should contribute to the expenses relating to the marriage, as explained in the initial report. If one of the spouses contributed by domestic work or was incapacitated, the other was obliged to support the household financially. A couple could also decide on each spouse's contribution by drawing up a prenuptial agreement.

11. The Government of Luxembourg had committed itself to reflecting the principle of equality of men and women in the Constitution and it was probable that that change would be made during the current review of the Constitution.

12. Treaties had precedence over domestic law, and the Luxembourg courts considered it normal to apply them directly. The Luxembourg Court of Cassation had declared that the provisions of the Convention were self-executing and mandatory. However, the direct application of certain articles of an international treaty or convention could be refused by the courts if certain provisions were not sufficiently precise and comprehensive. The Convention had been regularly endorsed and disseminated in Luxembourg and was therefore considered to be in effect, subject to the reservation she had just mentioned, but it had rarely been cited in the Luxembourg courts.

13. Men and women from outside the European Union and refugees, as defined by the Geneva Convention, had the right to work, subject to obtaining a work permit from the Ministry of Labour. Such persons had the right to collect unemployment benefits even if their work permits had expired. They were also eligible to receive legal aid benefits for asylum and residence procedures.

14. Women could bring cases of indirect discrimination before the courts. There was, however, no legal definition of indirect discrimination in Luxembourg law, although the 1991 Act regarding equality of treatment of men and women specified that the principle of equality implied the absence of all gender-related discrimination. The courts had said very little regarding indirect discrimination; in the few cases where they had made a pronouncement, they had reiterated the definition of indirect discrimination of the Court of Justice of the European Community.

15. As Luxembourg had no association of female lawyers, the Association of University Women examined important legal questions. Legal assistance had been modified in 1995 by an Act which stipulated that all persons with insufficient means had the right to legal assistance in order to defend their interests. In proceedings relating to discrimination in labour laws, the unions provided legal assistance for their members.

Article 3

16. Referring to the Interministerial Committee on Gender Equality, she said that it consisted of one full and one alternate member from each ministerial department, it was presided over by the Ministry for the Advancement of Women, and its members were civil servants. The Committee did not have a fixed budget and the Ministry for the Advancement of Women financed special activities. The Committee was responsible for monitoring and following up the Plan of Action 2000.

17. Providing information on the status of relevant draft legislation, she said that a family leave bill which had been introduced was still under consideration and that the European Union had not yet elaborated a parental leave bill. Bills to combat sexual harassment in the workplace, one of which had been drafted by the Ministry for the Advancement of Women, were still being discussed.

18. Although no law expressly provided for the punishment of acts of violence committed against women, physical or sexual violence against women, whether perpetrated within or outside the family, was punishable under criminal law. Theoretically, such legislation provided adequate recourse in cases of spousal violence. Under her country's criminal law, it was necessary to prove the guilt of the alleged perpetrator of a crime, and in many instances a woman who was the victim of sexual violence - and often the sole witness to the crime - declined to testify. Victims were heavily influenced by the attitude of the police and law enforcement personnel, and priority therefore was being given to providing such personnel with special training and guidelines and to mounting public information campaigns. Her Government was considering legislative action to further enhance the effectiveness of the criminal justice system in that regard.

Article 4

19. Mrs. MULHEIMS (Luxembourg), commenting on the request for information on affirmative action taken to encourage the participation of women in political life, said that 55 of the 118 communes in her country had designated an equality representative, and 6 communes had established a consultative committee on equality. The Ministry for the Advancement of Women financed training activities organized by the National Council of Women of Luxembourg for those delegates and committee members. The three major political parties had subsections specifically devoted to women, and women were represented in all party organs. Some parties were considering introducing quotas for electoral rolls in the next election.

20. As to affirmative action in the civil service, she said that the Ministry for the Advancement of Women had elaborated a plan of action based on a recommendation issued by the Council of the European Economic Community in 1984. Measures were put in place for five years, or until the specific objective had been achieved, and progress was assessed annually and objectives modified if necessary. Three affirmative action pilot projects currently were under way in the civil service. The statistical data requested could be found in the statistical study on women in the workplace being conducted by the Ministry for the Advancement of Women, and her country's report to the Fourth World Conference on Women provided details on the representation of women in decision-making bodies. Affirmative action in the civil service did not envisage special measures on behalf of highly qualified women because equality of the sexes was guaranteed. The number of women in higher positions had increased steadily in recent years. The survey on the adjustment of working hours would provide information on the obstacles to advancement encountered by women in the public service.

21. With regard to organic links between mainstreaming structures, the Interministerial Committee on Gender Equality was an administrative advisory body which promoted cooperation among the various ministries on mainstreaming issues. The Women's Labour Committee on Work for Women was an advisory body of the Ministry for the Advancement of Women comprising members of non-governmental organizations, trade unions, employers' organizations and the various ministries, with some overlap with the membership of the Interministerial Committee. The National Council of Women of Luxembourg and the Liaison, Discussion, Action Group (LIDIA) were non-profit associations of women's groups. Further details could be found in her country's initial report under the discussion of article 3 (CEDAW/C/LUX/1).

22. The Ministry for the Advancement of Women was the recognized leader on mainstreaming policy. Although its human and financial resources were adequate to meet its current needs, they should be increased in view of the Ministry's expanding activities.

23. She cited a number of examples of efforts by the Government to encourage men to assume a greater role in family life and in the education of their children, including media messages, publications, support for relevant activities of non-governmental organizations and the possible adoption of special measures in the public sector.

24. The Government also had taken steps to promote the recruitment of women by offering training on gender equality issues to appropriate target audiences and disseminating the relevant code of the European Commission relating to employment, remuneration, equality of treatment and evaluation of qualifications by sex. As to measures being taken to introduce parental leave, she noted that the European Union directive on the outline agreement on parental leave established the right of both the father and the mother to three months of parental leave.

Article 5

25. Ms. ECKER (Luxembourg) clarifying the concept of "indecent assault", said that it was a physical action contrary to the ordinary sense of decency. Such assault was punishable when committed with violence or threats on an adult or on persons not in a position to give their consent freely or to put up any resistance. It was punishable if committed without violence or threats on a person under 16 years of age. The definition covered any physical action, sexual violence or touching other than rape. In addition to prison terms, convicted perpetrators could be denied their right to vote and to stand for election.

26. The training police received to deal with violence against women emphasized their primary duty to enforce the law and protect victims. In practice, however, the emphasis was on removing women who were victims of domestic violence and their children from the home rather than on arresting the perpetrator of the violence. Such cases were prosecuted if the victim filed a complaint and followed it through. The courts treated violence against women and spousal violence like all other cases of battery and judges were not particularly sensitized to violence against women. It was planned to provide judges with appropriate training on the subject.

27. The Ministry for the Advancement of Women provided the funding and infrastructure support needed by the Girls' Home project. The Council of State had rejected the proposed pornography bill, and its sponsor planned to modify the bill to take the Council's criticism into account. No study had been made to date of the impact of pornography on young people. Specific penalties were not provided under national legislation for spousal violence.

28. Sentences in cases of violence were based on the degree of intent, the seriousness of the consequences, the relationship between the perpetrator and the victim, the status of the perpetrator or the victim and the specific manner in which the crime was perpetrated.

29. Although in the past, the courts had considered that there was no such thing as rape within marriage, that was no longer the case, pursuant to article 375 of the Penal Code as amended in 1992, and as borne out on appeal to the High Court of Justice in 1994.

Article 6

30. Mrs. MULHEIMS (Luxembourg) noted that The Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in

Women for the Purpose of Sexual Exploitation, adopted by a Ministerial Conference of the European Union in April 1997, had been circulated to the Committee. Street prostitution had increased in Luxembourg because prostitutes earned more than in neighbouring countries. She drew attention to a summary of the countries of origin of prostitutes in her country in 1996 which also had been circulated to the Committee. Within the framework of the European Union, her country was a member of Europol, a major network to combat trafficking in women. The question of quotas for the granting of residence permits to non-nationals of European Union member States was a difficult one and her Government would probably provide detailed information on the matter in its next report. Efforts to suppress networks of traffickers in women included measures to enable women illegally resident in Luxembourg to testify under temporary residence permits. Her country would pursue such efforts in collaboration with the European Union and would be chairing a follow-up conference to the Declaration to which she had just referred.

Article 7

31. Ms. ECKER (Luxembourg) said that the judiciary currently comprised 69 men and 69 women, with a predominance of women among its younger members. Women accounted for 73 per cent of her country's lawyers, and men, 64 per cent. Although the proportion of women among young lawyers was increasing, most of them left the Bar after several years.

Article 10

32. Mrs. MULHEIMS (Luxembourg) said that Luxembourg did not offer a full university-level programme. One institution offered an initial year of university studies in the humanities, science and law, while another offered a complete three-year technology programme. Most students received their higher education in various member countries of the European Union. Research on education and equality of opportunity would be carried out in the context of the Plan of Action 2000. Her country's next report would provide sex-specific data on traditional secondary and technical secondary education programmes.

Article 11

33. Ms. ECKER (Luxembourg) said that the statistics requested concerning the economically active population, unemployment, part-time and temporary workers and retirees were in preparation. The definition of indirect discrimination and of the burden of proof required to substantiate claims of such discrimination were contained in a new directive recently adopted by the Council of Ministers of the European Union the guiding principles of which already were applied by the Luxembourg courts.

34. The Ministry for the Advancement of Women, through its policy of mainstreaming, training and employment, had already done a great deal to inform women of their rights with a view to eliminating discrimination against them in the private sector and would continue to do so, inter alia, by disseminating the guidelines of the European Community on equal pay for equal work. She enumerated the circumstances in which private sector workers were granted special leave. As to the difference in the parental leave entitlement for

private and public sector workers, she said that the State had always sought to be a pace-setter and the private sector took longer to catch up. It often was difficult for women to press their claims in negotiations between management and trade unions.

35. The family leave bill was on hold pending further discussion within the European Union of a directive on parental leave, which also covered family leave. Luxembourg would report at a later stage on the reasons for the decline in average hourly salaries between 1993 and 1997.

36. The bill establishing equality representatives applied only to the private sector. She drew attention to the main elements of the bill as described on pages 24 and 25 of document CEDAW/C/LUX/2.

37. There were no specific measures governing handicapped women in the workplace. The Employment Administration provided special programmes for handicapped workers in general. The Government, communes, public entities and the Société nationale des chemins de fer luxembourgeois were required to employ a certain number of handicapped workers, and there were similar guidelines in the private sector. Handicapped workers received the minimum wage, and the Ministry of Labour subsidized sheltered workshops which provided handicapped persons with employment opportunities suited to their abilities and also readied them for employment in the general labour market.

38. The term "migrant" or "immigrant women" was no longer employed in Luxembourg and had been replaced by the terms "foreign women", "female citizens of the European Union" and "female citizens of non-European Union States". Of the total population of Luxembourg, 34.4 per cent were non-nationals, while 91 per cent of all resident foreigners were citizens of the European Union. Foreign women accounted for 49.8 per cent of the foreign population of Luxembourg and 30 per cent of all women resident in the country. A number of measures had been taken at different levels to integrate foreigners, regardless of sex, age or religion, into Luxembourg society.

Article 12

39. Mrs. MULHEIMS (Luxembourg) said that the repeal of the legislation governing abortion was not currently the subject of public debate because no women had yet been charged under the 1976 Act. No information was available on the reasons why women chose to go abroad to procure abortions and any attempt to explain that trend would be pure speculation on her part. The fact that the number of abortions had not increased might be attributed to sex education programmes and to the public-awareness campaign against HIV/AIDS. Pregnancies were most common among women in the 20 to 25 age group. No information was available on the percentage of women who had been infected by the AIDS virus over the previous 10 years or on the number of women doctors in Luxembourg.

40. Of the 308 patients treated for drug addiction during 1996, 67 per cent had been men and 33 per cent women. There were no drug treatment programmes specifically designed for women.

41. Early detection of cervical cancer had led to a noticeable drop in the mortality rate for that type of cancer. The goal of the Ministry of Health was to reduce the rate of deaths from cervical cancer to less than 3 per 100,000 by the year 2002. A national programme for the early detection of breast cancer through regular mammograms had also been launched with the goal of reducing the incidence of breast cancer among women aged 50 to 65 by 25 per cent within 10 years.

42. With regard to the causes of death among women, available figures for 1995 showed that of 1,800 deceased women, 93 had died from breast tumours, 4 from cervical tumours and 172 from accidents.

43. Contraceptives could not be purchased over the counter because each patient needed an individual prescription from a doctor, who was then able to carry out periodic check-ups, including for cervical cancer.

44. With regard to insurance coverage, legislation adopted in 1983 had provided for voluntary insurance for all those who could not otherwise obtain health insurance coverage. The benefits of both compulsory and voluntary insurance also extended to the spouse, children and other members of the household of the principal insured party. The 1992 legislation reforming the health insurance regime maintained the earlier provision that the abandoned wife and children of an insured spouse would continue to enjoy health insurance coverage. While the health insurance scheme reimbursed curative care and certain preventive health care services, coverage did not extend to contraception. No specific data were available on the medical needs of women.

45. On the subject of violence against women, she said that programmes were in place to sensitize health and social service professionals to the problem. The insurance scheme of a woman who was a victim of violence usually bore the cost of medical treatment but reserved the right to recover that cost from the person who had committed the violence.

46. Documentation had already been made available to the Committee describing the public-awareness campaign aimed at increasing participation in the programme for the early detection of breast cancer. The action being taken by the Ministry of Health was in keeping with the World Health Organization's strategy to ensure health for all.

47. Where fines were imposed for abortion, both the party performing the abortion and the pregnant woman were liable to the fine. The law required a woman to consult her gynaecologist, who would determine the danger which pregnancy posed to her health.

48. Her delegation shared the view expressed by one expert on the need for more statistical data and wished to reassure the Committee that the compilation of statistics was one of her Ministry's priorities which she hoped would be reflected in Luxembourg's next periodic report.

Article 13

49. Ms. ECKER (Luxembourg) said that family benefits were provided to help cover the expenses involved in raising children. An allowance was payable in respect of each child. Where the parents lived together the benefit could be paid to either parent. Single mothers received family benefits if the child or children resided with her. No complaints of discriminatory treatment had been brought against the National Family Benefit Fund.

Article 14

50. The Ministry for the Advancement of Women had recently established regional study groups to look into the problems of rural women in Luxembourg.

Article 15

51. From a legal standpoint, even though living in a common-law marriage, the parties to such a union were not spouses but third parties because of the absence of any legal attachment. Questions arising from the break-up of a couple could be legally resolved only within the framework of marriage.

Article 16

52. The period of 300 days before a widow or a divorced woman could remarry corresponded to the maximum presumptive period for the duration of a pregnancy. It had been retained to remove any uncertainty about the paternity of a child born during that period.

53. The filiation of a natural child was determined by the voluntary recognition of the child by its parents or by a legal ruling of filiation resulting from the child's initiative. At the registration of a child, a declaration by the father was sufficient to establish the child's maternity. A similar declaration by the mother was not sufficient, however, to establish paternity. Under current legislation, a blood test which indicated a 99.9 per cent probability of paternity was deemed to be sufficient evidence that conception was the result of sexual relations between the mother and the putative father.

54. Children born out of wedlock had the same rights and responsibilities as children born in wedlock. Certain differences subsisted, however, notably for the exercise of parental authority. That was why the terms "legitimate child" and "natural child" had not yet been abolished. The name of a child could be changed by application to the Government. The application could be made by one or both parents, according to whether parental authority was exercised jointly or by a single parent.

55. Ms. CORTI commended the Government of Luxembourg for its evident commitment to the elimination of discrimination against women and to the implementation of the articles of the Convention. She remained concerned, however, about Luxembourg's reservations to the Convention, particularly to article 7. She also hoped that concrete action would be taken to implement article 6, including the elimination of prostitution. On the question of abortion, each State party

was free to enact its own legislation. Where such legislation did not permit abortion, however, provision must be made to ensure that women had access to means of contraception and that the cost was reimbursed by their health insurance scheme.

56. Ms. GONZALEZ said that she would appreciate more information on violence within the family, which should include statistics on violence against children, both girls and boys. The fact that the Penal Code did not contain any specific provision regarding rape committed by a husband against his wife and that the courts considered that there was no such thing as rape within marriage was very disconcerting, and she suggested that the Government of Luxembourg should bear in mind the Declaration on the Elimination of Violence against Women, adopted by the General Assembly in its resolution 48/104 of 20 December 1993, which classified marital rape as a form of violence against women. Lastly, she requested an explanation of the figures appearing in the left and right columns of the table on the countries of origin of prostitutes, which the representatives of Luxembourg had provided to the Committee.

57. Ms. JAVATE DE DIOS said she hoped that Luxembourg would continue to review its remaining reservations with respect to the Convention with a view to making Luxembourg's laws more consistent with the spirit and substance of the Convention. She commended the efforts that were being made to disseminate the Convention in Luxembourg, since that would have a positive impact on future generations of Luxembourg citizens.

58. The Government of Luxembourg should consider more progressive policies that benefited migrant worker communities, particularly migrant women, and addressed their health, social and economic needs, including their political participation in the mainstream of Luxembourg society.

59. With regard to traffic in persons and prostitution, she hoped that Luxembourg, while holding the Presidency of the Council of Ministers of the European Union, would help implement the European code of conduct for preventing and combating traffic in women. Luxembourg should take the lead in the fair and humane treatment of "trafficked" persons, particularly women, who were victims of sexual exploitation and prostitution syndicates. Like most other European countries, Luxembourg should conduct research and gather information on prostitution or trafficking in persons with a view to taking appropriate measures to combat those phenomena.

60. Mrs. MULHEIMS (Luxembourg) said that the Luxembourg representatives had decided not to provide information on unemployment since the Government of Luxembourg was currently preparing a study of the job market that took account of women in the workforce. She would ensure that the study, which would be available in a month's time, was sent to the Committee. In its efforts to integrate foreign women into Luxembourg society and combat trafficking in persons and prostitution, Luxembourg would take into account all the suggestions that had been made by the Committee's experts.

61. Ms. ECKER (Luxembourg) said that, while formerly the courts had not recognized the existence of rape within marriage, the Penal Code had been amended in 1992 and currently did not allow the rape of a woman by her husband

or, for that matter, the rape of a female cohabitant by her partner. In 1994, the Luxembourg Court of Appeal had declared that a distinction could no longer be made between rape of a woman by a stranger or by her husband. Marital rape was punished in the same way as any other rape.

The meeting rose at 5.35 p.m.